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**HOUSE BILL 2512**

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**State of Washington****57th Legislature****2002 Regular Session**

**By** Representatives Upthegrove, Schmidt, Miloscia, Romero, Edwards, Jackley, Kenney, Ogden, Chase, Morris, McDermott and Schual-Berke; by request of Governor Locke

Read first time 01/18/2002. Referred to Committee on State Government.

1 AN ACT Relating to the uniform regulation of business and  
2 professions pertaining to programs administered by the department of  
3 licensing; amending RCW 18.08.340, 18.08.380, 18.08.420, 18.08.440,  
4 18.11.085, 18.11.095, 18.11.100, 18.11.160, 18.11.180, 18.11.200,  
5 18.16.030, 18.16.060, 18.16.150, 18.16.175, 18.16.200, 18.39.300,  
6 18.39.350, 18.39.410, 18.39.530, 18.43.035, 18.43.105, 18.43.110,  
7 18.43.130, 18.85.040, 18.85.230, 18.85.261, 18.85.271, 18.96.060,  
8 18.96.120, 18.96.140, 18.140.030, 18.140.160, 18.140.170, 18.165.160,  
9 18.165.170, 18.170.170, 18.170.180, 18.185.110, 18.185.120, 18.185.140,  
10 18.185.170, 18.210.020, 18.210.030, 18.210.060, 18.210.160, 18.220.040,  
11 18.220.050, 18.220.130, 18.220.150, 19.16.120, 19.16.351, 19.31.070,  
12 19.31.130, 19.105.350, 19.105.380, 19.105.440, 19.105.470, 19.138.120,  
13 19.138.130, 19.138.170, 19.138.180, 19.138.200, 19.138.240, 19.158.040,  
14 19.158.050, 42.44.030, 42.44.060, 42.44.160, 42.44.170, 42.44.190,  
15 46.72.100, 46.72A.100, 64.36.040, 64.36.090, 64.36.100, 64.36.195,  
16 64.36.200, 64.36.220, 64.36.230, 67.08.010, 67.08.015, 67.08.017,  
17 67.08.090, 67.08.100, 67.08.110, 67.08.130, 67.08.140, 67.08.180,  
18 67.08.300, 68.05.105, 68.05.170, 68.05.235, 68.05.259, 68.05.300,  
19 68.05.310, 68.05.320, 68.05.330, 68.05.340, 68.05.350, 79A.60.480, and  
20 79A.60.490; reenacting and amending RCW 18.145.050; adding a new  
21 section to chapter 18.08 RCW; adding a new section to chapter 18.11

1 RCW; adding a new section to chapter 18.16 RCW; adding a new section to  
2 chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a  
3 new section to chapter 18.85 RCW; adding a new section to chapter 18.96  
4 RCW; adding a new section to chapter 18.140 RCW; adding a new section  
5 to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW;  
6 adding a new section to chapter 18.170 RCW; adding a new section to  
7 chapter 18.185 RCW; adding a new section to chapter 18.210 RCW; adding  
8 a new section to chapter 18.220 RCW; adding a new section to chapter  
9 19.16 RCW; adding a new section to chapter 19.31 RCW; adding a new  
10 section to chapter 19.105 RCW; adding a new section to chapter 19.138  
11 RCW; adding a new section to chapter 19.158 RCW; adding a new section  
12 to chapter 42.44 RCW; adding a new section to chapter 46.72 RCW; adding  
13 a new section to chapter 46.72A RCW; adding a new section to chapter  
14 64.36 RCW; adding a new section to chapter 67.08 RCW; adding a new  
15 section to chapter 68.05 RCW; adding a new section to chapter 79A.60  
16 RCW; adding a new chapter to Title 18 RCW; creating a new section;  
17 repealing RCW 18.08.450, 18.39.400, 18.39.430, 18.39.440, 18.39.460,  
18 18.39.470, 18.39.480, 18.39.490, 18.39.500, 18.39.510, 18.39.520,  
19 18.39.540, 18.39.550, 18.43.140, 18.85.251, 18.85.360, 18.96.130,  
20 18.140.180, 18.165.190, 18.165.200, 18.165.240, 18.165.250, 18.165.260,  
21 18.170.190, 18.170.200, 18.170.240, 18.170.250, 18.170.260, 18.170.270,  
22 18.185.150, 18.185.160, 18.185.180, 18.185.190, 19.16.360, 19.16.380,  
23 19.16.400, 19.105.460, 19.138.190, 19.138.210, 19.138.220, 19.138.230,  
24 19.138.300, 19.158.060, 64.36.180, 64.36.190, 64.36.280, 64.36.300,  
25 67.08.120, 67.08.210, 67.08.230, 67.08.250, and 67.08.260; prescribing  
26 penalties; and providing effective dates.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

28 **PART 1**

29 NEW SECTION. **Sec. 101.** It is the intent of the legislature to  
30 consolidate disciplinary procedures for the licensed businesses and  
31 professions under the business and professions division of the  
32 department of licensing by providing a uniform disciplinary act for  
33 businesses and professions with standardized procedures for the  
34 regulation of businesses and professions and the enforcement of laws,  
35 the purpose of which is to assure the public of the adequacy of  
36 business and professional competence and conduct.

1 It is also the intent of the legislature that all businesses and  
2 professions newly credentialed by the state and regulated by the  
3 business and professions division of the department of licensing come  
4 under this chapter.

5 NEW SECTION. **Sec. 102.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Board" means those boards specified in section 103(2)(b) of  
8 this act.

9 (2) "Department" means the department of licensing.

10 (3) "Director" means the director of the department or director's  
11 designee.

12 (4) "Disciplinary action" means sanctions identified in section 113  
13 of this act.

14 (5) "Disciplinary authority" means the director, board, or  
15 commission having the authority to take disciplinary action against a  
16 holder of, or applicant for, a professional or business license upon a  
17 finding of a violation of this chapter or a chapter specified under  
18 section 103 of this act.

19 (6) "License," "licensing," and "licensure" are deemed equivalent  
20 to the terms "license," "licensing," "licensure," "certificate,"  
21 "certification," and "registration" as those terms are defined in RCW  
22 18.118.020. Each of these terms, and the term "appointment" under  
23 chapter 42.44 RCW, are interchangeable under the provisions of this  
24 chapter.

25 (7) "Unlicensed practice" means:

26 (a) Practicing a profession or operating a business identified in  
27 section 103 of this act without holding a valid, unexpired, unrevoked,  
28 and unsuspended license to do so; or

29 (b) Representing to a consumer, through offerings, advertisements,  
30 or use of a professional title or designation, that the individual or  
31 business is qualified to practice a profession or operate a business  
32 identified in section 103 of this act without holding a valid,  
33 unexpired, unrevoked, and unsuspended license to do so.

34 NEW SECTION. **Sec. 103.** (1) This chapter applies only to the  
35 director and the boards and commissions having jurisdiction in relation  
36 to the businesses and professions licensed under the chapters specified

1 in this section. This chapter does not apply to any business or  
2 profession not licensed under the chapters specified in this section.

3 (2)(a) The director has authority under this chapter in relation to  
4 the following businesses and professions:

5 (i) Auctioneers under chapter 18.11 RCW;

6 (ii) Bail bond agents under chapter 18.185 RCW;

7 (iii) Camping resorts' operators and salespersons under chapter  
8 19.105 RCW;

9 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

10 (v) Cosmetologists, barbers, manicurists, and estheticians under  
11 chapter 18.16 RCW;

12 (vi) Court reporters under chapter 18.145 RCW;

13 (vii) Employment agencies under chapter 19.31 RCW;

14 (viii) For hire vehicle operators under chapter 46.72 RCW;

15 (ix) Limousines under chapter 46.72A RCW;

16 (x) Notaries public under chapter 42.44 RCW;

17 (xi) Private investigators under chapter 18.165 RCW;

18 (xii) Professional boxing, martial arts, and wrestling under  
19 chapter 67.08 RCW;

20 (xiii) Real estate appraisers under chapter 18.140 RCW;

21 (xiv) Real estate brokers and salespersons under chapters 18.85 and  
22 18.86 RCW;

23 (xv) Security guards under chapter 18.170 RCW;

24 (xvi) Sellers of travel under chapter 19.138 RCW;

25 (xvii) Timeshares and timeshare salespersons under chapter 64.36  
26 RCW; and

27 (xviii) Whitewater river outfitters under chapter 79A.60 RCW.

28 (b) The boards and commissions having authority under this chapter  
29 are as follows:

30 (i) The state board of registration for architects established in  
31 chapter 18.08 RCW;

32 (ii) The cemetery board established in chapter 68.05 RCW;

33 (iii) The Washington state collection agency board established in  
34 chapter 19.16 RCW;

35 (iv) The state board of registration for professional engineers and  
36 land surveyors established in chapter 18.43 RCW governing licenses  
37 issued under chapters 18.43 and 18.210 RCW;

38 (v) The state board of funeral directors and embalmers established  
39 in chapter 18.39 RCW;

1 (vi) The state board of registration for landscape architects  
2 established in chapter 18.96 RCW; and

3 (vii) The state geologist licensing board established in chapter  
4 18.220 RCW.

5 (3) In addition to the authority to discipline license holders, the  
6 disciplinary authority may grant or deny licenses based on the  
7 conditions and criteria established in this chapter and the chapters  
8 specified in subsection (2) of this section. This chapter also governs  
9 any investigation, hearing, or proceeding relating to denial of  
10 licensure or issuance of a license conditioned on the applicant's  
11 compliance with an order entered under section 113 of this act by the  
12 disciplinary authority.

13 NEW SECTION. **Sec. 104.** The disciplinary authority has the power  
14 to:

15 (1) Adopt, amend, and rescind rules as necessary to carry out the  
16 purposes of this chapter, including, but not limited to, rules  
17 regarding standards of professional conduct and practice;

18 (2) Investigate complaints or reports of unprofessional conduct and  
19 hold hearings as provided in this chapter;

20 (3) Issue subpoenas and administer oaths in connection with any  
21 investigation, hearing, or proceeding held under this chapter;

22 (4) Take or cause depositions to be taken and use other discovery  
23 procedures as needed in an investigation, hearing, or proceeding held  
24 under this chapter;

25 (5) Compel attendance of witnesses at hearings;

26 (6) Conduct practice reviews in the course of investigating a  
27 complaint or report of unprofessional conduct, unless the disciplinary  
28 authority is authorized to audit or inspect applicants or licensees  
29 under the chapters specified in section 103 of this act;

30 (7) Take emergency action ordering summary suspension of a license,  
31 or restriction or limitation of the licensee's practice or business  
32 pending proceedings by the disciplinary authority;

33 (8) Appoint a presiding officer or authorize the office of  
34 administrative hearings, as provided in chapter 34.12 RCW, to conduct  
35 hearings. The disciplinary authority may make the final decision  
36 regarding disposition of the license unless the disciplinary authority  
37 elects to delegate, in writing, the final decision to the presiding  
38 officer;

1 (9) Use individual members of the boards and commissions to direct  
2 investigations. However, the member of the board or commission may not  
3 subsequently participate in the hearing of the case;

4 (10) Enter into contracts for professional services determined to  
5 be necessary for adequate enforcement of this chapter;

6 (11) Grant or deny license applications, secure the return of a  
7 license obtained through the mistake or inadvertence of the department  
8 or the disciplinary authority after providing the person so licensed  
9 with an opportunity for an adjudicative proceeding, and, in the event  
10 of a finding of unprofessional conduct by an applicant or license  
11 holder, impose any sanction against a license applicant or license  
12 holder provided by this chapter;

13 (12) Designate individuals authorized to sign subpoenas and  
14 statements of charges;

15 (13) Establish panels consisting of three or more members of the  
16 board or commission to perform any duty or authority within the board's  
17 or commission's jurisdiction under this chapter; and

18 (14) Contract with licensees, registrants, endorsement or permit  
19 holders, or any other persons or organizations to provide services  
20 necessary for the monitoring or supervision of licensees, registrants,  
21 or endorsement or permit holders who are placed on probation, whose  
22 professional or business activities are restricted, or who are for an  
23 authorized purpose subject to monitoring by the disciplinary authority.  
24 If the subject licensee, registrant, or endorsement or permit holders  
25 may only practice or operate a business under the supervision of  
26 another licensee, registrant, or endorsement or permit holder under the  
27 terms of the law regulating that occupation or business, the  
28 supervising licensee, registrant, or endorsement or permit holder must  
29 consent to the monitoring or supervision under this subsection, unless  
30 the supervising licensee, registrant, or endorsement or permit holder  
31 is, at the time, the subject of a disciplinary order.

32 NEW SECTION. **Sec. 105.** In addition to the authority specified in  
33 section 104 of this act, the director has the following additional  
34 authority:

35 (1) To employ investigative, administrative, and clerical staff as  
36 necessary for the enforcement of this chapter, except as provided  
37 otherwise by statute;

1 (2) Upon request of a board or commission, to appoint not more than  
2 three pro tem members as provided in section 106 of this act;

3 (3) To establish fees to be paid for witnesses, expert witnesses,  
4 and consultants used in any investigation or adjudicative proceedings  
5 as authorized by RCW 34.05.446; and

6 (4) To conduct investigations and practice reviews at the direction  
7 of the disciplinary authority and to issue subpoenas, administer oaths,  
8 and take depositions in the course of conducting those investigations  
9 and practice reviews at the direction of the disciplinary authority.

10 NEW SECTION. **Sec. 106.** Individuals appointed as pro tem members  
11 of a board or commission must meet the same minimum qualifications as  
12 regular members of the board or commission. While serving as a pro tem  
13 board or commission member, a person so appointed has all the powers,  
14 duties, and immunities, and is entitled to the entitlements, including  
15 travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a  
16 regular member of the board or commission. The chair of a committee  
17 established by a board or commission must be a regular member of the  
18 board or commission and must be appointed by the chair of the board or  
19 commission. Committees have authority to act as directed by the board  
20 or commission with respect to all matters concerning the review,  
21 investigation, and adjudication of all complaints, allegations,  
22 charges, and matters subject to the jurisdiction of the board or  
23 commission. The authority to act through committees does not restrict  
24 the authority of the board or commission to act as a single body at any  
25 phase of proceedings within the board or commission's jurisdiction.  
26 Board or commission committees may make interim orders and issue final  
27 decisions with respect to matters and cases delegated to the committee  
28 by the board or commission. Final decisions may be appealed as  
29 provided in chapter 34.05 RCW, the administrative procedure act.

30 NEW SECTION. **Sec. 107.** (1) If the disciplinary authority  
31 determines, upon investigation, that there is reason to believe a  
32 violation of section 115 of this act has occurred, a statement of  
33 charge or charges may be prepared and served upon the license holder or  
34 applicant. The statement of charge or charges must be accompanied by  
35 a notice that the license holder or applicant may request a hearing to  
36 contest the charge or charges. The license holder or applicant must  
37 file a request for a hearing with the disciplinary authority within

1 twenty days after being served the statement of charges. The failure  
2 to request a hearing constitutes a default, whereupon the disciplinary  
3 authority may enter a decision on the facts available to it.

4 (2) If a hearing is requested, the time of the hearing must be  
5 fixed by the disciplinary authority as soon as convenient, but the  
6 hearing may not be held earlier than thirty days after service of  
7 charges upon the license holder or applicant, unless the disciplinary  
8 authority has issued a summary suspension or summary restriction, for  
9 which a hearing may be held sooner than thirty days after service of  
10 charges.

11 NEW SECTION. **Sec. 108.** The procedures governing adjudicative  
12 proceedings before agencies under chapter 34.05 RCW, the administrative  
13 procedure act, govern all hearings before the disciplinary authority.  
14 The disciplinary authority has, in addition to the powers and duties  
15 set forth in this chapter, all of the powers and duties under chapter  
16 34.05 RCW, which include, without limitation, all powers relating to  
17 the administration of oaths, the receipt of evidence, the issuance and  
18 enforcing of subpoenas, and the taking of depositions.

19 NEW SECTION. **Sec. 109.** The department shall not issue a license  
20 to any person that has been previously denied, revoked, or suspended by  
21 the disciplinary authority for that profession or business, except in  
22 conformity with the terms and conditions of the certificate or order of  
23 denial, revocation, or suspension, or in conformity with any order of  
24 reinstatement issued by the disciplinary authority, or in accordance  
25 with the final judgment in any proceeding for review instituted under  
26 this chapter.

27 NEW SECTION. **Sec. 110.** An order pursuant to proceedings  
28 authorized by this chapter, after due notice and findings in accordance  
29 with this chapter and chapter 34.05 RCW, or an order of summary  
30 suspension entered under this chapter, takes effect immediately upon  
31 its being served. The order, if appealed to the court, may not be  
32 stayed pending the appeal unless the disciplinary authority or court to  
33 which the appeal is taken enters an order staying the order of the  
34 disciplinary authority, which stay shall provide for terms necessary to  
35 protect the public.

1        NEW SECTION.    **Sec. 111.**    An individual who has been disciplined or  
2 whose license has been denied by a disciplinary authority may appeal  
3 the decision as provided in chapter 34.05 RCW.

4        NEW SECTION.    **Sec. 112.**    A person whose license has been suspended  
5 or revoked under this chapter may petition the disciplinary authority  
6 for reinstatement after an interval of time and upon conditions  
7 determined by the disciplinary authority in the order.    The  
8 disciplinary authority shall act on the petition in accordance with the  
9 adjudicative proceedings provided under chapter 34.05 RCW and may  
10 impose such conditions as authorized by section 113 of this act.    The  
11 disciplinary authority may require successful completion of an  
12 examination as condition of reinstatement.

13        NEW SECTION.    **Sec. 113.**    (1) Upon finding unprofessional conduct,  
14 the disciplinary authority may issue an order providing for one or any  
15 combination of the following:

- 16        (a) Revocation of the license;
- 17        (b) Suspension of the license for a fixed or indefinite term;
- 18        (c) Restriction or limitation of the practice;
- 19        (d) Satisfactory completion of a specific program of remedial  
20 education or treatment;
- 21        (e) Monitoring of the practice in a manner directed by the  
22 disciplinary authority;
- 23        (f) Censure or reprimand;
- 24        (g) Compliance with conditions of probation for a designated period  
25 of time;
- 26        (h) Payment of a fine for each violation found by the disciplinary  
27 authority, not to exceed five thousand dollars per violation, unless a  
28 different amount is specified by law.    Funds received must be deposited  
29 in the related program account;
- 30        (i) Denial of an initial or renewal license application; or
- 31        (j) Other corrective action.

32        (2) The disciplinary authority may require reimbursement to the  
33 disciplinary authority for the investigative costs incurred in  
34 investigating the matter that resulted in issuance of an order under  
35 this section, but only if any of the sanctions in subsection (1)(a)  
36 through (j) of this section is ordered.

1 (3) Any of the actions under this section may be totally or partly  
2 stayed by the disciplinary authority. In determining what action is  
3 appropriate, the disciplinary authority must first consider what  
4 sanctions are necessary to protect the public health, safety, or  
5 welfare. Only after these provisions have been made may the  
6 disciplinary authority consider and include in the order requirements  
7 designed to rehabilitate the license holder or applicant. All costs  
8 associated with compliance with orders issued under this section are  
9 the obligation of the license holder or applicant.

10 (4) The licensee or applicant may enter into a stipulated  
11 disposition of charges that includes one or more of the sanctions of  
12 this section, but only after a statement of charges has been issued and  
13 the licensee has been afforded the opportunity for a hearing and has  
14 elected on the record to forego such a hearing. The stipulation shall  
15 either contain one or more specific findings of unprofessional conduct  
16 or a statement by the licensee acknowledging that evidence is  
17 sufficient to justify one or more specified findings of unprofessional  
18 conduct. The stipulations entered into under this subsection are  
19 considered formal disciplinary action for all purposes.

20 NEW SECTION. **Sec. 114.** Where an order for payment of a fine is  
21 made as a result of a hearing under section 108 or 117 of this act and  
22 timely payment is not made as directed in the final order, the  
23 disciplinary authority may enforce the order for payment in the  
24 superior court in the county in which the hearing was held. This right  
25 of enforcement is in addition to any other rights the disciplinary  
26 authority may have as to any licensee ordered to pay a fine but may not  
27 be construed to limit a licensee's ability to seek judicial review  
28 under section 111 of this act. In any action for enforcement of an  
29 order of payment of a fine, the disciplinary authority's order is  
30 conclusive proof of the validity of the order of a fine and the terms  
31 of payment.

32 NEW SECTION. **Sec. 115.** The following conduct, acts, or conditions  
33 constitute unprofessional conduct for any license holder or applicant  
34 under the jurisdiction of this chapter:

35 (1) The commission of any act involving moral turpitude,  
36 dishonesty, or corruption relating to the practice of the person's  
37 profession or operation of the person's business, whether the act

1 constitutes a crime or not. If the act constitutes a crime, conviction  
2 in a criminal proceeding is not a condition precedent to disciplinary  
3 action. Upon such a conviction, however, the judgment and sentence is  
4 conclusive evidence at the ensuing disciplinary hearing of the guilt of  
5 the license holder or applicant of the crime described in the  
6 indictment or information, and of the person's violation of the statute  
7 on which it is based. For the purposes of this section, conviction  
8 includes all instances in which a plea of guilty or nolo contendere is  
9 the basis for the conviction and all proceedings in which the sentence  
10 has been deferred or suspended. Except as specifically provided by  
11 law, nothing in this section abrogates the provisions of chapter 9.96A  
12 RCW. However, RCW 9.96A.020 does not apply to a person who is required  
13 to register as a sex offender under RCW 9A.44.130;

14 (2) Misrepresentation or concealment of a material fact in  
15 obtaining a license or in reinstatement thereof;

16 (3) Advertising that is false, deceptive, or misleading;

17 (4) Incompetence, negligence, or malpractice that results in harm  
18 or damage to a consumer or that creates an unreasonable risk that a  
19 consumer may be harmed or damaged;

20 (5) The suspension, revocation, or restriction of a license to  
21 engage in any business or profession by competent authority in any  
22 state, federal, or foreign jurisdiction. A certified copy of the  
23 order, stipulation, or agreement is conclusive evidence of the  
24 revocation, suspension, or restriction;

25 (6) Failure to cooperate with the disciplinary authority by:

26 (a) Not furnishing any papers or documents requested by the  
27 disciplinary authority;

28 (b) Not furnishing in writing an explanation covering the matter  
29 contained in a complaint when requested by the disciplinary authority;

30 (c) Not responding to a subpoena issued by the disciplinary  
31 authority, whether or not the recipient of the subpoena is the accused  
32 in the proceeding; or

33 (d) Not providing authorized access, during regular business hours,  
34 to representatives of the disciplinary authority conducting an  
35 investigation, inspection, or audit at facilities utilized by the  
36 license holder or applicant;

37 (7) Failure to comply with an order issued by the disciplinary  
38 authority;

39 (8) Violating any lawful rule made by the disciplinary authority;

1 (9) Aiding or abetting an unlicensed person to practice or operate  
2 a business or profession when a license is required;

3 (10) Practice or operation of a business or profession beyond the  
4 scope of practice or operation as defined by law or rule;

5 (11) Misrepresentation in any aspect of the conduct of the business  
6 or profession;

7 (12) Failure to adequately supervise or oversee auxiliary staff,  
8 whether employees or contractors, to the extent that consumers may be  
9 harmed or damaged;

10 (13) Conviction of any gross misdemeanor or felony relating to the  
11 practice of the person's profession or operation of the person's  
12 business. For the purposes of this subsection, conviction includes all  
13 instances in which a plea of guilty or nolo contendere is the basis for  
14 conviction and all proceedings in which the sentence has been deferred  
15 or suspended. Except as specifically provided by law, nothing in this  
16 section abrogates the provisions of chapter 9.96A RCW. However, RCW  
17 9.96A.020 does not apply to a person who is required to register as a  
18 sex offender under RCW 9A.44.130; and

19 (14) Interference with an investigation or disciplinary proceeding  
20 by willful misrepresentation of facts before the disciplinary authority  
21 or its authorized representatives, or by the use of threats or  
22 harassment against any consumer or witness to discourage them from  
23 providing evidence in a disciplinary proceeding or any other legal  
24 action, or by the use of financial inducements to any consumer or  
25 witness to prevent or attempt to prevent him or her from providing  
26 evidence in a disciplinary proceeding.

27 NEW SECTION. **Sec. 116.** If a person or business regulated by this  
28 chapter violates or fails to comply with a final order issued under  
29 section 115 of this act, the attorney general, any prosecuting  
30 attorney, the director, the board or commission, or any other person  
31 may maintain an action in the name of the state of Washington to enjoin  
32 the person from violating the order or failing to comply with the  
33 order. The injunction does not relieve the offender from criminal  
34 prosecution, but the remedy by injunction is in addition to the  
35 liability of the offender to criminal prosecution and disciplinary  
36 action.

1        NEW SECTION.     **Sec. 117.**     (1) The disciplinary authority may  
2 investigate complaints concerning practice by unlicensed persons of a  
3 profession or business for which a license is required by the chapters  
4 specified in section 103 of this act. In the investigation of the  
5 complaints, the director has the same authority as provided the  
6 disciplinary authority under section 104 of this act.

7        (2) The disciplinary authority may issue a notice of intent to  
8 issue a cease and desist order to any person whom the disciplinary  
9 authority has reason to believe is engaged in the unlicensed practice  
10 of a profession or operation of a business for which a license is  
11 required by the chapters specified in section 103 of this act. The  
12 person to whom such a notice is issued may request an adjudicative  
13 proceeding to contest the allegations. The notice shall include a  
14 brief, plain statement of the alleged unlicensed activities. The  
15 request for hearing must be filed within twenty days after service of  
16 the notice of intent to issue a cease and desist order. The failure to  
17 request a hearing constitutes a default, whereupon the director may  
18 enter a permanent cease and desist order, which may include a civil  
19 fine. All proceedings shall be conducted in accordance with chapter  
20 34.05 RCW.

21        (3) If the disciplinary authority makes a final determination that  
22 a person has engaged or is engaging in unlicensed practice, the  
23 director may issue a permanent cease and desist order. In addition,  
24 the disciplinary authority may impose a civil fine in an amount not  
25 exceeding one thousand dollars for each day upon which the person  
26 engaged in the unlicensed practice of a profession or operation of a  
27 business for which a license is required by one or more of the chapters  
28 specified in section 103 of this act. The proceeds of such a fine  
29 shall be deposited in the related program account.

30        (4) If the disciplinary authority makes a written finding of fact  
31 that the public interest will be irreparably harmed by delay in issuing  
32 an order, the disciplinary authority may issue a temporary cease and  
33 desist order. The person receiving a temporary cease and desist order  
34 shall be provided an opportunity for a prompt hearing. A temporary  
35 cease and desist order shall remain in effect until further order of  
36 the disciplinary authority. The failure to request a prompt or  
37 regularly scheduled hearing constitutes a default, whereupon the  
38 disciplinary authority may enter a permanent cease and desist order,  
39 which may include a civil fine.

1 (5) The cease and desist order is conclusive proof of unlicensed  
2 practice and may be enforced under RCW 7.21.060. This method of  
3 enforcement of the cease and desist order or civil fine may be used in  
4 addition to, or as an alternative to, any provisions for enforcement of  
5 agency orders set out in chapter 34.05 RCW.

6 (6) The attorney general, a county prosecuting attorney, the  
7 director, a board or commission, or any person may, in accordance with  
8 the laws of this state governing injunctions, maintain an action in the  
9 name of the state of Washington to enjoin any person practicing a  
10 profession or business without a license for which a license is  
11 required by the chapters specified in section 103 of this act. All  
12 fees, fines, forfeitures, and penalties collected or assessed by a  
13 court because of a violation of this section shall be deposited in the  
14 related program account.

15 (7) The civil remedies in this section do not limit the ability to  
16 pursue criminal prosecution as authorized in any of the acts specified  
17 in section 103 of this act nor do the civil remedies limit any criminal  
18 sanctions.

19 NEW SECTION. **Sec. 118.** A person or business that violates an  
20 injunction issued under this chapter may be found in contempt of court  
21 under RCW 7.21.010. Upon a finding by a court of competent  
22 jurisdiction that the person or business is in contempt, the court may  
23 order any remedial sanction as authorized by RCW 7.21.030. Further,  
24 the court may, in addition to the remedial sanctions available under  
25 RCW 7.21.030, order the person or business to pay a civil penalty to  
26 the state in an amount not to exceed twenty-five thousand dollars,  
27 which shall be deposited in the related program account. For the  
28 purposes of this section, the superior court issuing any injunction  
29 retains jurisdiction and the cause shall be continued, and in such  
30 cases the attorney general acting in the name of the state may petition  
31 for the recovery of civil penalties.

32 NEW SECTION. **Sec. 119.** A person who attempts to obtain, obtains,  
33 or attempts to maintain a license by willful misrepresentation or  
34 fraudulent representation is guilty of a gross misdemeanor.

35 NEW SECTION. **Sec. 120.** If the disciplinary authority has reason  
36 to believe that a license holder has committed a crime, or violated the

1 laws of another regulatory body, the disciplinary authority may notify  
2 the attorney general or the county prosecuting attorney in the county  
3 in which the act took place, or other responsible official of the facts  
4 known to the disciplinary authority.

5 NEW SECTION. **Sec. 121.** The director, members of the boards or  
6 commissions, or individuals acting on their behalf are immune from suit  
7 in any action, civil or criminal, based on any disciplinary proceedings  
8 or other official acts performed in the course of their duties.

9 NEW SECTION. **Sec. 122.** This chapter does not affect the use of  
10 records, obtained from the director or the disciplinary authorities, in  
11 any existing investigation or action by any public agency. Nor does  
12 this chapter limit any existing exchange of information between the  
13 director or the disciplinary authorities and other public agencies.

14 NEW SECTION. **Sec. 123.** (1) This chapter applies to any conduct,  
15 acts, or conditions occurring on or after the effective date of this  
16 section.

17 (2) This chapter does not apply to or govern the construction of  
18 and disciplinary action for any conduct, acts, or conditions occurring  
19 prior to the effective date of this section. The conduct, acts, or  
20 conditions must be construed and disciplinary action taken according to  
21 the provisions of law existing at the time of the occurrence in the  
22 same manner as if this chapter had not been enacted.

23 NEW SECTION. **Sec. 124.** This chapter may be known and cited as the  
24 uniform regulation of business and professions act.

25 NEW SECTION. **Sec. 125.** Sections 101 through 124 of this act take  
26 effect January 1, 2003.

27 NEW SECTION. **Sec. 126.** Sections 101 through 125 of this act  
28 constitute a new chapter in Title 18 RCW.

29 **PART 2**

30 **Sec. 201.** RCW 18.08.340 and 1985 c 37 s 5 are each amended to read  
31 as follows:

1 (1) The board may adopt such rules under chapter 34.05 RCW as are  
2 necessary for the proper performance of its duties under this chapter.

3 (2) The director shall employ an executive secretary subject to  
4 approval by the board. ~~((The director shall provide such secretarial  
5 and administrative support as may be required to carry out the purposes  
6 of this chapter.~~

7 ~~(3) The board or the director may conduct investigations concerning  
8 alleged violations of this chapter. In making such investigations and  
9 in all proceedings of the board under this chapter, the chairman or any  
10 member of the board acting in place of the chairman may administer  
11 oaths or affirmations to witnesses appearing before the board, subpoena  
12 witnesses and compel their attendance, and require the production of  
13 books, records, papers, and documents. If any person refuses to obey  
14 a subpoena so issued, or refuses to testify or produce any books,  
15 records, papers, or documents so required to be produced, the board may  
16 present its petition in the superior court of Thurston county or the  
17 county in which the person resides, setting forth the facts, and  
18 thereupon the court shall, in a proper case, enter a suitable order  
19 compelling compliance with this chapter and imposing such other terms  
20 and conditions as the court finds equitable.))~~

21 **Sec. 202.** RCW 18.08.380 and 1985 c 37 s 9 are each amended to read  
22 as follows:

23 ~~((1) The director may reinstate a certificate of registration to  
24 any person or a certificate of authorization to any corporation or  
25 joint stock association whose certificate has been revoked, if a  
26 majority of the board vote in favor of such reissuance, if the board  
27 finds that the circumstances or conditions that brought about the  
28 revocation are not likely to recur and that the person, corporation, or  
29 joint stockholders' association is then sufficiently trustworthy and  
30 reliable at the time reinstatement is sought, and that the best  
31 interests of the public will be served by reinstatement of the  
32 registration.~~

33 ~~(2))~~ A new certificate of registration or certificate of  
34 authorization to replace any certificate lost, destroyed, or mutilated  
35 may be issued by the director. A charge, determined as provided in RCW  
36 43.24.086, shall be made for such issuance.

1       **Sec. 203.** RCW 18.08.420 and 1991 c 72 s 2 are each amended to read  
2 as follows:

3       (1) An architect or architects may organize a corporation formed  
4 either as a business corporation under the provisions of Title 23B RCW  
5 or as a professional corporation under the provisions of chapter 18.100  
6 RCW. For an architect or architects to practice architecture through  
7 a corporation or joint stock association organized by any person under  
8 Title 23B RCW, the corporation or joint stock association shall file  
9 with the board:

10       (a) The application for certificate of authorization upon a form to  
11 be prescribed by the board and containing information required to  
12 enable the board to determine whether the corporation is qualified  
13 under this chapter to practice architecture in this state;

14       (b) Its notices of incorporation and bylaws and a certified copy of  
15 a resolution of the board of directors of the corporation that  
16 designates individuals registered under this chapter as responsible for  
17 the practice of architecture by the corporation in this state and that  
18 provides that full authority to make all final architectural decisions  
19 on behalf of the corporation with respect to work performed by the  
20 corporation in this state shall be granted and delegated by the board  
21 of directors to the individuals designated in the resolution. The  
22 filing of the resolution shall not relieve the corporation of any  
23 responsibility or liability imposed upon it by law or by contract; and

24       (c) A designation in writing setting forth the name or names of the  
25 person or persons registered under this chapter who are responsible for  
26 the architecture of the firm. If there is a change in the person or  
27 persons responsible for the architecture of the firm, the changes shall  
28 be designated in writing and filed with the board within thirty days  
29 after the effective date of the changes.

30       (2) Upon the filing with the board of the application for  
31 certificate of authorization, the certified copy of the resolution, and  
32 the information specified in subsection (1) of this section, the board  
33 shall authorize the director to issue to the corporation a certificate  
34 of authorization to practice architecture in this state upon a  
35 determination by the board that:

36       (a) The bylaws of the corporation contain provisions that all  
37 architectural decisions pertaining to any project or architectural  
38 activities in this state shall be made by the specified architects  
39 responsible for the project or architectural activities, or other

1 responsible architects under the direction or supervision of the  
2 architects responsible for the project or architectural activities;

3 (b) The applicant corporation has the ability to provide, through  
4 qualified personnel, professional services or creative work requiring  
5 architectural experience, and with respect to the architectural  
6 services that the corporation undertakes or offers to undertake, the  
7 personnel have the ability to apply special knowledge to the  
8 professional services or creative work such as consultation,  
9 investigation, evaluation, planning, design, and administration of the  
10 construction contract in connection with any public or private  
11 structures, buildings, equipment, processes, works, or projects;

12 (c) The application for certificate of authorization contains the  
13 professional records of the designated person or persons who are  
14 responsible;

15 (d) The application for certificate of authorization states the  
16 experience of the corporation, if any, in furnishing architectural  
17 services during the preceding five-year period;

18 (e) The applicant corporation meets such other requirements related  
19 to professional competence in the furnishing of architectural services  
20 as may be established and promulgated by the board in furtherance of  
21 the purposes of this chapter; and

22 (f) The applicant corporation is possessed of the ability and  
23 competence to furnish architectural services in the public interest.

24 (3) Upon recommendation of the board to impose action as authorized  
25 in section 113 of this act, the director (~~((shall refuse to issue or))~~)  
26 may (~~((suspend or revoke))~~) impose the recommended action upon a  
27 certificate of authorization to a corporation if the board finds that  
28 any of the officers, directors, incorporators, or the stockholders  
29 holding a majority of stock of the corporation have committed an act  
30 prohibited under RCW 18.08.440 or section 115 of this act or have been  
31 found personally responsible for misconduct under subsection (6) or (7)  
32 of this section.

33 (4) In the event a corporation, organized solely by a group of  
34 architects each registered under this chapter, applies for a  
35 certificate of authorization, the board may, in its discretion, grant  
36 a certificate of authorization to that corporation based on a review of  
37 the professional records of such incorporators, in lieu of the required  
38 qualifications set forth in subsections (1) and (2) of this section.  
39 In the event the ownership of such corporation is altered, the

1 corporation shall apply for a revised certificate of authorization,  
2 based upon the professional records of the owners if exclusively  
3 architects, under the qualifications required by subsections (1) and  
4 (2) of this section.

5 (5) Any corporation authorized to practice architecture under this  
6 chapter, together with its directors and officers for their own  
7 individual acts, are responsible to the same degree as an individual  
8 registered architect and shall conduct their business without  
9 misconduct or malpractice in the practice of architecture as defined in  
10 this chapter.

11 (6) Any corporation that has been certified under this chapter and  
12 has engaged in the practice of architecture (~~shall~~) may have its  
13 certificate of authorization either suspended or revoked by the board  
14 if, after a proper hearing, the board finds that the corporation has  
15 committed misconduct or malpractice under RCW 18.08.440 or section 115  
16 of this act. In such a case, any individual architect registered under  
17 this chapter who is involved in such misconduct is also subject to  
18 disciplinary measures provided in this chapter and section 113 of this  
19 act.

20 (7) All plans, specifications, designs, and reports when issued in  
21 connection with work performed by a corporation under its certificate  
22 of authorization shall be prepared by or under the direction of the  
23 designated architects and shall be signed by and stamped with the  
24 official seal of the designated architects in the corporation  
25 authorized under this chapter.

26 (8) For each certificate of authorization issued under this section  
27 there shall be paid a certification fee and an annual certification  
28 renewal fee as prescribed by the director under RCW 43.24.086.

29 (9) This chapter shall not affect the practice of architecture as  
30 a professional service corporation under chapter 18.100 RCW.

31 **Sec. 204.** RCW 18.08.440 and 1985 c 37 s 15 are each amended to  
32 read as follows:

33 The board shall have the power to impose (~~finest on any person~~  
34 ~~practicing architecture in an amount not to exceed one thousand dollars~~  
35 ~~for each offense and may reprimand a registrant and may suspend,~~  
36 ~~revoke, or refuse to issue or renew a certificate of registration or~~  
37 ~~authorization to practice architecture in this state)) any action  
38 listed under section 113 of this act upon the following grounds:~~

1 (1) Offering to pay, paying, or accepting, either directly or  
2 indirectly, any substantial gift, bribe, or other consideration to  
3 influence the award of professional work;

4 (2) Being willfully untruthful or deceptive in any professional  
5 report, statement, or testimony;

6 ~~(3) ((Having conviction in any court of any offense involving moral  
7 turpitude or fraud;~~

8 ~~(4))~~ Having a financial interest in the bidding for or the  
9 performance of a contract to supply labor or materials for or to  
10 construct a project for which employed or retained as an architect  
11 except with the consent of the client or employer after disclosure of  
12 such facts; or allowing an interest in any business to affect a  
13 decision regarding architectural work for which retained, employed, or  
14 called upon to perform;

15 ~~((+5))~~ (4) Signing or permitting a seal to be affixed to any  
16 drawings or specifications that were not prepared or reviewed by the  
17 architect or under the architect's personal supervision by persons  
18 subject to the architect's direction and control; or

19 ~~((+6) Aiding or abetting any person not authorized to practice  
20 architecture under this chapter;~~

21 ~~(+7))~~ (5) Willfully evading or trying to evade any law, ordinance,  
22 code, or regulation governing construction of buildings(~~(+ or~~

23 ~~(+8) Violating any provision of this chapter or any regulation  
24 adopted under it)).~~

25 NEW SECTION. **Sec. 205.** A new section is added to chapter 18.08  
26 RCW to read as follows:

27 The uniform regulation of business and professions act, chapter  
28 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
29 practice, the issuance and denial of licenses, and the discipline of  
30 licensees under this chapter.

31 **Sec. 206.** RCW 18.11.085 and 1987 c 336 s 1 are each amended to  
32 read as follows:

33 Every individual, before acting as an auctioneer, shall obtain an  
34 auctioneer certificate of registration. To be licensed as an  
35 auctioneer, an individual shall meet all of the following requirements:

36 (1) Be at least eighteen years of age or sponsored by a licensed  
37 auctioneer.

1 (2) File with the department a completed application on a form  
2 prescribed by the director.

3 (3) Show that the proper tax registration certificate required by  
4 RCW 82.32.030 has been obtained from the department of revenue.

5 (4) Pay the auctioneer registration fee required under the agency  
6 rules adopted pursuant to this chapter.

7 (5) Except as otherwise provided under RCW 18.11.121, file with the  
8 department an auctioneer surety bond in the amount and form required by  
9 RCW 18.11.121 and the agency rules adopted pursuant to this chapter.

10 (6) Have no disqualifications under RCW 18.11.160 or section 115 of  
11 this act.

12 **Sec. 207.** RCW 18.11.095 and 1987 c 336 s 5 are each amended to  
13 read as follows:

14 Every person, before operating an auction company as defined in RCW  
15 18.11.050, shall obtain an auction company certificate of registration.

16 (1) Except as provided in subsection (2) of this section, to be  
17 licensed as an auction company, a person shall meet all of the  
18 following requirements:

19 (a) File with the department a completed application on a form  
20 prescribed by the director.

21 (b) Sign a notarized statement included on the application form  
22 that all auctioneers hired by the auction company to do business in the  
23 state shall be properly registered under this chapter.

24 (c) Show that the proper tax registration certificate required by  
25 RCW 82.32.030 has been obtained from the department of revenue.

26 (d) Pay the auction company registration fee required under the  
27 agency rules adopted pursuant to this chapter.

28 (e) File with the department an auction company surety bond in the  
29 amount and form required by RCW 18.11.121 and the agency rules adopted  
30 pursuant to this chapter.

31 (f) Have no disqualifications under RCW 18.11.160 or section 115 of  
32 this act.

33 (2) An auction company shall not be charged a license fee if it is  
34 a sole proprietorship or a partnership owned by an auctioneer or  
35 auctioneers, each of whom is licensed under this chapter, and if it has  
36 in effect a surety bond or bonds or other security approved by the  
37 director in the amount that would otherwise be required for an auction  
38 company to be granted or to retain a license under RCW 18.11.121.

1       **Sec. 208.** RCW 18.11.100 and 1986 c 324 s 7 are each amended to  
2 read as follows:

3       (1) Nonresident auctioneers and auction companies are required to  
4 comply with the provisions of this chapter, chapter 18.--- RCW  
5 (sections 101 through 125 of this act), and the rules of the department  
6 as a condition of conducting business in the state.

7       (2) The application of a nonresident under this chapter shall  
8 constitute the appointment of the secretary of state as the applicant's  
9 agent upon whom process may be served in any action or proceeding  
10 against the applicant arising out of a transaction or operation  
11 connected with or incidental to the business of an auctioneer or an  
12 auction company.

13       **Sec. 209.** RCW 18.11.160 and 1997 c 58 s 814 are each amended to  
14 read as follows:

15       (1) No license shall be issued by the department to any person who  
16 has been convicted of forgery, embezzlement, obtaining money under  
17 false pretenses, extortion, criminal conspiracy, fraud, theft,  
18 receiving stolen goods, unlawful issuance of checks or drafts, or other  
19 similar offense, or to any partnership of which the person is a member,  
20 or to any association or corporation of which the person is an officer  
21 or in which as a stockholder the person has or exercises a controlling  
22 interest either directly or indirectly.

23       (2) ~~((The following shall be grounds for denial, suspension, or~~  
24 ~~revocation of a license, or imposition of an administrative fine by the~~  
25 ~~department:~~

26       ~~(a) Misrepresentation or concealment of material facts in obtaining~~  
27 ~~a license;~~

28       ~~(b))~~ In addition to the unprofessional conduct described in RCW  
29 18.130.180, the director has the authority to take disciplinary action  
30 for any of the following conduct, acts, or conditions:

31       (a) Underreporting to the department of sales figures so that the  
32 auctioneer or auction company surety bond is in a lower amount than  
33 required by law;

34       ~~((c) Revocation of a license by another state;~~

35       ~~(d) Misleading or false advertising;~~

36       ~~(e) A pattern of substantial misrepresentations related to~~  
37 ~~auctioneering or auction company business;~~

1       ~~(f) Failure to cooperate with the department in any investigation~~  
2 ~~or disciplinary action;~~

3       ~~(g))~~ (b) Nonpayment of an administrative fine prior to renewal of  
4 a license(~~(;~~

5       ~~(h) Aiding an unlicensed person to practice as an auctioneer or as~~  
6 ~~an auction company)); and~~

7       ~~((i))~~ (c) Any other violations of this chapter.

8       (3) The department shall immediately suspend the license of a  
9 person who has been certified pursuant to RCW 74.20A.320 by the  
10 department of social and health services as a person who is not in  
11 compliance with a support order (~~or a residential or visitation~~  
12 ~~order~~). If the person has continued to meet all other requirements  
13 for reinstatement during the suspension, reissuance of the license  
14 shall be automatic upon the department's receipt of a release issued by  
15 the department of social and health services stating that the licensee  
16 is in compliance with the order.

17       **Sec. 210.** RCW 18.11.180 and 1986 c 324 s 14 are each amended to  
18 read as follows:

19       It shall be unlawful for a licensed auctioneer or licensed auction  
20 company to pay compensation in money or otherwise to anyone not  
21 licensed under this chapter to render any service or to do any act  
22 forbidden under this chapter to be rendered or performed except by  
23 licensees. The department (~~shall~~) may fine any person who violates  
24 this section five hundred dollars for the first offense and one  
25 thousand dollars for the second or subsequent offense. Furthermore,  
26 the violation of this section by any licensee shall be, in the  
27 discretion of the department, sufficient cause for (~~license suspension~~  
28 ~~or revocation~~) taking any actions listed under section 113 of this  
29 act.

30       **Sec. 211.** RCW 18.11.200 and 1986 c 324 s 16 are each amended to  
31 read as follows:

32       The director shall adopt rules for the purpose of carrying out and  
33 developing this chapter, including rules governing the conduct of  
34 (~~investigations and~~) inspections (~~and the imposition of~~  
35 ~~administrative penalties~~)).

1        NEW SECTION.    **Sec. 212.**    A new section is added to chapter 18.11  
2 RCW to read as follows:

3        The uniform regulation of business and professions act, chapter  
4 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
5 practice, the issuance and denial of licenses, and the discipline of  
6 licensees under this chapter.

7        **Sec. 213.**    RCW 18.16.030 and 1991 c 324 s 2 are each amended to  
8 read as follows:

9        In addition to any other duties imposed by law, including sections  
10 104 and 105 of this act, the director shall have the following powers  
11 and duties:

12        (1) To set all license, examination, and renewal fees in accordance  
13 with RCW 43.24.086;

14        (2) To adopt rules necessary to implement this chapter;

15        (3) ~~((To investigate alleged violations of this chapter and~~  
16 ~~consumer complaints involving the practice of cosmetology, barbering,~~  
17 ~~esthetics, or manicuring, schools offering training in these areas, and~~  
18 ~~salons/shops and booth renters offering these services;~~

19        ~~(4) To issue subpoenas, statements of charges, statements of~~  
20 ~~intent, final orders, stipulated agreements, and any other legal~~  
21 ~~remedies necessary to enforce this chapter;~~

22        ~~(5) To issue cease and desist letters and letters of warning for~~  
23 ~~infractions of this chapter;~~

24        ~~(6) To conduct all disciplinary proceedings, impose sanctions, and~~  
25 ~~assess fines for violations of this chapter or any rules adopted under~~  
26 ~~it;~~

27        ~~(7))~~ To prepare and administer or approve the preparation and  
28 administration of licensing examinations;

29        ~~((+8))~~ (4) To establish minimum safety and sanitation standards  
30 for schools, cosmetologists, barbers, manicurists, estheticians, and  
31 salons/shops;

32        ~~((+9))~~ (5) To establish minimum instruction guidelines for the  
33 training of students;

34        ~~((+10))~~ (6) To maintain the official department record of  
35 applicants and licensees;

36        ~~((+11) To delegate in writing to a designee the authority to issue~~  
37 ~~subpoenas, statements of charges, and any other documents necessary to~~  
38 ~~enforce this chapter;~~

1       ~~(12))~~ (7) To establish by rule the procedures for an appeal of an  
2 examination failure;

3       ~~((13) To employ such administrative, investigative, and clerical~~  
4 ~~staff as needed to implement this chapter;~~

5       ~~(14))~~ (8) To set license expiration dates and renewal periods for  
6 all licenses consistent with this chapter; and

7       ~~((15))~~ (9) To make information available to the department of  
8 revenue to assist in collecting taxes from persons required to be  
9 licensed under this chapter.

10       **Sec. 214.** RCW 18.16.060 and 1991 c 324 s 4 are each amended to  
11 read as follows:

12       (1) The director (~~shall impose a fine of one thousand dollars on~~)  
13 may take action under sections 117 and 118 of this act against any  
14 person who does any of the following without first obtaining the  
15 license required by this chapter:

16       (a) Except as provided in subsection (2) of this section,  
17 commercial practice of cosmetology, barbering, esthetics, manicuring,  
18 or instructing;

19       (b) Instructs in a school;

20       (c) Operates a school; or

21       (d) Operates a salon/shop. Each booth renter shall be considered  
22 to be operating an independent salon/shop and shall obtain a separate  
23 salon/shop license.

24       (2) A person licensed as a cosmetology instructor-operator may  
25 engage in the commercial practice of cosmetology without maintaining a  
26 cosmetologist license. A person licensed as a barbering instructor-  
27 operator may engage in the commercial practice of barbering without  
28 maintaining a barber license. A person licensed as a manicuring  
29 instructor-operator may engage in the commercial practice of manicuring  
30 without maintaining a manicurist license. A person licensed as an  
31 esthetician instructor-operator may engage in the commercial practice  
32 of esthetics without maintaining an esthetician license.

33       **Sec. 215.** RCW 18.16.150 and 1997 c 178 s 1 are each amended to  
34 read as follows:

35       Schools shall be audited and inspected by the director or the  
36 director's designee for compliance with this chapter at least once a  
37 year. If the director determines that a licensed school is not

1 maintaining the standards required according to this chapter, written  
2 notice thereof shall be given to the school. A school which fails to  
3 correct these conditions to the satisfaction of the director within a  
4 reasonable time (~~shall~~) may be subject to penalties imposed under  
5 (~~RCW 18.16.210~~) section 113 of this act.

6 **Sec. 216.** RCW 18.16.175 and 1997 c 178 s 2 are each amended to  
7 read as follows:

8 (1) A salon/shop shall meet the following minimum requirements:

9 (a) Maintain an outside entrance separate from any rooms used for  
10 sleeping or residential purposes;

11 (b) Provide and maintain for the use of its customers adequate  
12 toilet facilities located within or adjacent to the salon/shop;

13 (c) Be operated under the direct supervision of a licensed  
14 cosmetologist except that a salon/shop that is limited to barbering may  
15 be directly supervised by a barber, a salon/shop that is limited to  
16 manicuring may be directly supervised by a manicurist, and a salon/shop  
17 that is limited to esthetics may be directly supervised by an  
18 esthetician;

19 (d) Any room used wholly or in part as a salon/shop shall not be  
20 used for residential purposes, except that toilet facilities may be  
21 used jointly for residential and business purposes;

22 (e) Meet the zoning requirements of the county, city, or town, as  
23 appropriate;

24 (f) Provide for safe storage and labeling of chemicals used in the  
25 practice of cosmetology;

26 (g) Meet all applicable local and state fire codes;

27 (h) Provide proof that the salon/shop is covered by a public  
28 liability insurance policy in an amount not less than one hundred  
29 thousand dollars for combined bodily injury and property damage  
30 liability; and

31 (i) Other requirements which the director determines are necessary  
32 for safety and sanitation of salons/shops. The director may consult  
33 with the state board of health and the department of labor and  
34 industries in establishing minimum salon/shop safety requirements.

35 (2) A salon/shop shall post the notice to customers described in  
36 RCW 18.16.180.

37 (3) Upon receipt of a written complaint that a salon/shop has  
38 violated any provisions of this chapter, chapter 18.--- RCW (sections

1 101 through 125 of this act), or the rules adopted under ((this))  
2 either chapter, or at least once every two years, the director or the  
3 director's designee shall inspect each salon/shop. If the director  
4 determines that any salon/shop is not in compliance with this chapter,  
5 the director shall send written notice to the salon/shop. A salon/shop  
6 which fails to correct the conditions to the satisfaction of the  
7 director within a reasonable time shall, upon due notice, be subject to  
8 the penalties imposed by the director under ((RCW 18.16.210)) section  
9 113 of this act. The director may enter any salon/shop during business  
10 hours for the purpose of inspection. The director may contract with  
11 health authorities of local governments to conduct the inspections  
12 under this subsection.

13 (4) A salon/shop, including a salon/shop operated by a booth  
14 renter, shall obtain a certificate of registration from the department  
15 of revenue.

16 (5) This section does not prohibit the use of motor homes as mobile  
17 salon/shops if the motor home meets the health and safety standards of  
18 this section.

19 **Sec. 217.** RCW 18.16.200 and 1991 c 324 s 14 are each amended to  
20 read as follows:

21 Any applicant or licensee under this chapter may be subject to  
22 disciplinary action by the director if the licensee or applicant:

23 (1) ~~((Has been found guilty of a crime related to the practice of~~  
24 ~~cosmetology, barbering, esthetics, manicuring, or instructing;~~

25 ~~(2) Has made a material misstatement or omission in connection with~~  
26 ~~an original application or renewal;~~

27 ~~(3) Has engaged in false or misleading advertising;~~

28 ~~(4) Has performed services in an unsafe or unsanitary manner;~~

29 ~~(5) Has aided and abetted unlicensed activity;~~

30 ~~(6))~~ Has engaged in the commercial practice of cosmetology,  
31 barbering, manicuring, esthetics, or instructed in or operated a school  
32 without first obtaining the license required by this chapter;

33 ~~((7))~~ (2) Has engaged in the commercial practice of cosmetology  
34 in a school;

35 ~~((8))~~ (3) Has not provided a safe, sanitary, and good moral  
36 environment for students and the public(;

37 ~~(9) Has not provided records as required by this chapter;~~

1       ~~(10) Has not cooperated with the department in supplying records or~~  
2 ~~assisting in an investigation or disciplinary procedure)); or~~  
3       ~~((11))~~ (4) Has violated any provision of this chapter or any rule  
4 adopted under it.

5       NEW SECTION.   **Sec. 218.** A new section is added to chapter 18.16  
6 RCW to read as follows:

7       The uniform regulation of business and professions act, chapter  
8 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
9 practice, the issuance and denial of licenses, and the discipline of  
10 licensees under this chapter.

11       **Sec. 219.** RCW 18.39.300 and 1989 c 390 s 7 are each amended to  
12 read as follows:

13       In addition to the grounds for action set forth in ~~((RCW 18.130.170~~  
14 ~~and 18.130.180))~~ section 115 of this act, the board may take the  
15 disciplinary action set forth in ~~((RCW 18.130.160))~~ section 113 of this  
16 act against the funeral establishment's license, the license of any  
17 funeral director and/or the funeral establishment's certificate of  
18 registration, if the licensee or registrant:

19       (1) Fails to comply with any provisions of this chapter~~((, chapter~~  
20 ~~18.130-RCW,))~~ or any proper order or regulation of the board;

21       (2) Is found by the board to be in such condition that further  
22 execution of prearrangement contracts could be hazardous to purchasers  
23 or beneficiaries and the people of this state;

24       (3) Refuses to be examined, or refuses to submit to examination by  
25 the board when required;

26       (4) Fails to pay the expense of an examination; or

27       (5) Is found by the board after investigation or receipt of  
28 reliable information to be managed by persons who are incompetent or  
29 untrustworthy or so lacking in managerial experience as to make the  
30 proposed or continued execution or servicing of prearrangement funeral  
31 service contracts hazardous to purchasers, beneficiaries, or to the  
32 public.

33       **Sec. 220.** RCW 18.39.350 and 1989 c 390 s 11 are each amended to  
34 read as follows:

35       Any person who violates or fails to comply with, or aids or abets  
36 any person in the violation of, or failure to comply with any of the

1 provisions of this chapter is guilty of a class C felony pursuant to  
2 chapter 9A.20 RCW. Any such violation constitutes an unfair practice  
3 under chapter 19.86 RCW and this chapter and conviction thereunder is  
4 grounds for license revocation under this chapter and section 113 of  
5 this act. Retail installment contracts under this chapter shall be  
6 governed by chapter 63.14 RCW.

7 **Sec. 221.** RCW 18.39.410 and 1994 c 17 s 3 are each amended to read  
8 as follows:

9 (~~The following shall constitute unprofessional conduct~~) In  
10 addition to the unprofessional conduct described in section 115 of this  
11 act, the board may take disciplinary action and may impose any of the  
12 sanctions specified in section 113 of this act for the following  
13 conduct, acts, or conditions:

14 (1) Solicitation of dead human bodies by a licensee, registrant,  
15 endorsement, or permit holder, or agent, assistant, or employee of the  
16 licensee, registrant, endorsement, or permit holder whether the  
17 solicitation occurs after death or while death is impending. This  
18 chapter does not prohibit general advertising or the sale of  
19 prearrangement funeral service contracts;

20 (2) Solicitation may include employment of solicitors, payment of  
21 commission, bonus, rebate, or any form of gratuity or payment of a  
22 finders fee, referral fee, or other consideration given for the purpose  
23 of obtaining or providing the services for a dead human body or where  
24 death is impending;

25 (3) Acceptance by a licensee, registrant, endorsement, or permit  
26 holder or other employee of a funeral establishment of a commission,  
27 bonus, rebate, or gratuity in consideration of directing business to a  
28 cemetery, crematory, mausoleum, columbarium, florist, or other person  
29 providing goods and services to the disposition of dead human bodies;

30 (4) Using a casket or part of a casket that has previously been  
31 used as a receptacle for, or in connection with, the burial or other  
32 disposition of a dead human body without the written consent of the  
33 person lawfully entitled to control the disposition of remains of the  
34 deceased person in accordance with RCW 68.50.160. This subsection does  
35 not prohibit the use of rental caskets, such as caskets of which the  
36 outer shell portion is rented and the inner insert that contains the  
37 dead human body is purchased and used for the disposition, that are  
38 disclosed as such in the statement of funeral goods and services;

1 (5) Violation of a state law, municipal law, or county ordinance or  
2 regulation affecting the handling, custody, care, transportation, or  
3 disposition of dead human bodies;

4 (6) Refusing to promptly surrender the custody of a dead human body  
5 upon the expressed order of the person lawfully entitled to its custody  
6 under RCW 68.50.160;

7 (7) Selling, or offering for sale, a share, certificate, or an  
8 interest in the business of a funeral establishment, or in a  
9 corporation, firm, or association owning or operating a funeral  
10 establishment that promises or purports to give to purchasers a right  
11 to the services of a licensee, registrant, endorsement, or permit  
12 holder at a charge or cost less than offered or given to the public;

13 ~~(8) ((The commission of an act involving moral turpitude,  
14 dishonesty, or corruption relating to the practice of the funeral  
15 profession whether or not the act constitutes a crime. If the act  
16 constitutes a crime, conviction in a criminal proceeding is not a  
17 condition precedent to disciplinary action. Upon such a conviction,  
18 however, the judgment and sentence is conclusive evidence at the  
19 ensuing disciplinary hearing of the guilt of the license, registration,  
20 endorsement, or permit holder, or applicant of the crime described in  
21 the indictment or information and of the person's violation of the  
22 statute on which it is based. For the purpose of this section,  
23 conviction includes all instances in which a plea of guilty or nolo  
24 contendere is the basis for the conviction in all proceedings in which  
25 the sentence has been deferred or suspended. This section does not  
26 abrogate rights guaranteed under chapter 9.96A RCW;~~

27 ~~(9) Misrepresentation or concealment of a material fact in  
28 obtaining a license, registration, endorsement, or permit or in  
29 reinstatement thereof;~~

30 ~~(10) All advertising that is false, fraudulent, or misleading;~~

31 ~~(11) Suspension or revocation or restriction of the individual's  
32 license, registration, endorsement, or permit to practice the  
33 profession by competent authority in any state, federal, or foreign  
34 jurisdiction, a certified copy of the order, stipulation, or agreement  
35 being conclusive evidence of the revocation, suspension, or  
36 restriction;~~

37 ~~(12)) Violation of any state or federal statute or administrative  
38 ruling relating to funeral practice;~~

39 ~~((13) Failure to cooperate with the board by;~~

1       ~~(a) Not furnishing any papers or documents;~~  
2       ~~(b) Not furnishing in writing a full and complete explanation~~  
3 ~~covering the matters contained in a complaint filed with the board; or~~  
4       ~~(c) Not responding to subpoenas issued by the board whether or not~~  
5 ~~the recipient of the subpoena is the accused in the proceeding;~~  
6       ~~(14) Failure to comply with an order issued by the board or an~~  
7 ~~assurance of discontinuance entered into with the board;~~  
8       ~~(15) Aiding or abetting an unlicensed or unregistered person to~~  
9 ~~practice where a license, registration, endorsement, or permit is~~  
10 ~~required;~~  
11       ~~(16) Misrepresentation or fraud in any aspect of the conduct of~~  
12 ~~funeral practice;~~  
13       ~~(17) Conviction of a gross misdemeanor or felony relating to this~~  
14 ~~title. For the purpose of this subsection, conviction includes all~~  
15 ~~instances in which a plea of guilty or nolo contendere is the basis for~~  
16 ~~conviction and all proceedings in which the sentence has been deferred~~  
17 ~~or suspended. This section does not abrogate rights guaranteed under~~  
18 ~~chapter 9.96A RCW;~~  
19       ~~(18) Interference with an investigation or disciplinary proceeding~~  
20 ~~by willful misrepresentation of facts before the board or its~~  
21 ~~authorized representative or the inspector, or by the use of threats or~~  
22 ~~harassment against a witness to prevent that witness from providing~~  
23 ~~evidence in a disciplinary hearing or other legal action;~~  
24       ~~(19) Diminished capacity or habitual intemperance in the use of~~  
25 ~~alcohol, controlled substances, or prescribed drugs that impairs,~~  
26 ~~interferes, or otherwise prevents the proper performance of licensed,~~  
27 ~~registered, endorsed, or permitted duties or functions;~~  
28       ~~(20)) (9) Knowingly concealing information concerning a violation~~  
29 ~~of this title((~~  
30       ~~(21) Incompetence or negligence as a licensee, registrant,~~  
31 ~~endorsement, or permit holder in carrying out the duties of the~~  
32 ~~profession)).~~

33       **Sec. 222.** RCW 18.39.530 and 1994 c 17 s 15 are each amended to  
34 read as follows:

35       ~~((1) The director shall investigate a complaint concerning~~  
36 ~~practice by an unlicensed person for which a license, registration,~~  
37 ~~endorsement, or permit is required under this chapter. The director~~  
38 ~~shall issue a cease and desist order to a person after notice and~~

1 hearing and upon a determination that the person has violated this  
2 subsection. If the director makes a written finding of fact that the  
3 public interest will be irreparably harmed by delay in issuing an  
4 order, the director may issue a temporary cease and desist order. The  
5 cease and desist order does not relieve the person practicing or  
6 operating a business without a license, registration, permit, or  
7 registration from criminal prosecution for the unauthorized practice or  
8 operation, but the remedy of a cease and desist order is in addition to  
9 criminal liability. The cease and desist order is conclusive proof of  
10 unlicensed practice and may be enforced by civil contempt. This method  
11 of enforcement of the cease and desist order may be used in addition  
12 to, or as an alternative to, provisions for enforcement or agency  
13 orders under chapter 34.05 RCW.

14 (2) The attorney general, a county prosecuting attorney, the  
15 director, the board, or a person may, in accordance with the laws of  
16 this state governing injunctions, maintain an action in the name of  
17 this state to enjoin a person practicing a profession or business for  
18 which a license, registration, endorsement, or permit is required under  
19 this chapter without a license, registration, endorsement, or permit  
20 from engaging in the practice or operation of the business until the  
21 required license, registration, endorsement, or permit is secured.  
22 However, the injunction does not relieve the person so practicing or  
23 operating a business without a license, registration, endorsement, or  
24 permit from criminal prosecution for the unauthorized practice or  
25 operation, but the remedy by injunction is in addition to criminal  
26 liability.

27 (3)) Unlicensed practice of a profession or operation of a  
28 business for which a license, registration, endorsement, or permit is  
29 required under this chapter, unless otherwise exempted by law, is a  
30 gross misdemeanor. Fees, fines, forfeitures, and penalties collected  
31 or assessed by a court because of a violation of this section must be  
32 remitted to the board.

33 NEW SECTION. **Sec. 223.** A new section is added to chapter 18.39  
34 RCW to read as follows:

35 The uniform regulation of business and professions act, chapter  
36 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
37 practice, the issuance and denial of licenses, and the discipline of  
38 licensees under this chapter.

1       **Sec. 224.** RCW 18.43.035 and 1997 c 247 s 2 are each amended to  
2 read as follows:

3       The board may adopt and amend bylaws establishing its organization  
4 and method of operation, including but not limited to meetings,  
5 maintenance of books and records, publication of reports, code of  
6 ethics, and rosters, and adoption and use of a seal. Four members of  
7 the board shall constitute a quorum for the conduct of any business of  
8 the board. The board may employ such persons as are necessary to carry  
9 out its duties under this chapter. It may adopt rules reasonably  
10 necessary to administer the provisions of this chapter. (~~It may~~  
11 ~~conduct investigations concerning alleged violations of this chapter or~~  
12 ~~the rules adopted by the board. In making such investigations and in~~  
13 ~~all proceedings under RCW 18.43.110, the chairman of the board or any~~  
14 ~~member of the board acting in his place may administer oaths or~~  
15 ~~affirmations to witnesses appearing before the board, subpoena~~  
16 ~~witnesses and compel their attendance, and require the production of~~  
17 ~~books, records, papers and documents. If any person shall refuse to~~  
18 ~~obey any subpoena so issued, or shall refuse to testify or produce any~~  
19 ~~books, records, papers or documents so required to be produced, the~~  
20 ~~board may present its petition to the superior court of the county in~~  
21 ~~which such person resides, setting forth the facts, and thereupon the~~  
22 ~~court shall, in any proper case, enter a suitable order compelling~~  
23 ~~compliance with this chapter and imposing such other terms and~~  
24 ~~conditions as the court may deem equitable.)) The board shall submit  
25 to the governor such periodic reports as may be required. A roster,  
26 showing the names and places of business of all registered professional  
27 engineers and land surveyors may be published for distribution, upon  
28 request, to professional engineers and land surveyors registered under  
29 this chapter and to the public.~~

30       **Sec. 225.** RCW 18.43.105 and 1961 c 142 s 4 are each amended to  
31 read as follows:

32       (~~As used in this chapter "misconduct or malpractice in the~~  
33 ~~practice of engineering" shall include but not be limited to the~~  
34 ~~following)) In addition to the unprofessional conduct described in  
35 section 115 of this act, the board may take disciplinary action for the  
36 following conduct, acts, or conditions:~~

1 (1) Offering to pay, paying or accepting, either directly or  
2 indirectly, any substantial gift, bribe, or other consideration to  
3 influence the award of professional work;

4 (2) Being willfully untruthful or deceptive in any professional  
5 report, statement or testimony;

6 (3) Attempting to injure falsely or maliciously, directly or  
7 indirectly, the professional reputation, prospects or business of  
8 anyone;

9 (4) Failure to state separately or to charge separately for  
10 professional engineering services or land surveying where other  
11 services or work are also being performed in connection with the  
12 engineering services;

13 ~~(5) ((Conviction in any court of any offense involving moral~~  
14 ~~turpitude;~~

15 ~~(6))~~ Violation of any provisions of this chapter;

16 ~~((7))~~ (6) Conflict of interest--Having a financial interest in  
17 bidding for or performance of a contract to supply labor or materials  
18 for or to construct a project for which employed or retained as an  
19 engineer except with the consent of the client or employer after  
20 disclosure of such facts; or allowing an interest in any business to  
21 affect a decision regarding engineering work for which retained,  
22 employed, or called upon to perform;

23 ~~((8))~~ (7) Nondisclosure--Failure to promptly disclose to a client  
24 or employer any interest in a business which may compete with or affect  
25 the business of the client or employer;

26 ~~((9))~~ (8) Unfair competition--Reducing a fee quoted for  
27 prospective employment or retainer as an engineer after being informed  
28 of the fee quoted by another engineer for the same employment or  
29 retainer;

30 ~~((10))~~ (9) Improper advertising--Soliciting retainer or  
31 employment by advertisement which is undignified, self-laudatory, false  
32 or misleading, or which makes or invites comparison between the  
33 advertiser and other engineers;

34 ~~((11))~~ (10) Committing any other act, or failing to act, which  
35 act or failure are customarily regarded as being contrary to the  
36 accepted professional conduct or standard generally expected of those  
37 practicing professional engineering or land surveying.

1       **Sec. 226.** RCW 18.43.110 and 1997 c 247 s 3 are each amended to  
2 read as follows:

3       The board shall have the exclusive power to ~~((fine and reprimand))~~  
4 discipline the registrant and ~~((suspend or revoke))~~ sanction the  
5 certificate of registration of any registrant ~~((who is found guilty of:~~

6       ~~The practice of any fraud or deceit in obtaining a certificate of~~  
7 ~~registration; or~~

8       ~~Any gross negligence, incompetency, or misconduct in the practice~~  
9 ~~of engineering or land surveying as a registered engineer or land~~  
10 ~~surveyor)).~~

11       Any person may ~~((prefer))~~ file a complaint alleging ~~((fraud,~~  
12 ~~deceit, gross negligence, incompetency, or misconduct))~~ unprofessional  
13 conduct, as set out in section 115 of this act and RCW 18.43.105,  
14 against any registrant ((and)). The complaint shall be in writing and  
15 shall be sworn to in writing by the person making the allegation. A  
16 registrant against whom a complaint was made must be immediately  
17 informed of such complaint by the board.

18       ~~((All procedures related to hearings on such charges shall be in~~  
19 ~~accordance with provisions relating to adjudicative proceedings in~~  
20 ~~chapter 34.05 RCW, the Administrative Procedure Act.~~

21       ~~If, after such hearing, a majority of the board vote in favor of~~  
22 ~~finding the violations had occurred, the board shall revoke or suspend~~  
23 ~~the certificate of registration of such registered professional~~  
24 ~~engineer or land surveyor.))~~

25       The board, for reasons it deems sufficient, may reissue a  
26 certificate of registration to any person whose certificate has been  
27 revoked or suspended, providing a majority of the board vote in favor  
28 of such issuance. A new certificate of registration to replace any  
29 certificate revoked, lost, destroyed, or mutilated may be issued,  
30 subject to the rules of the board, and a charge determined by the  
31 director as provided in RCW 43.24.086 shall be made for such issuance.

32       ~~((Any person who shall feel aggrieved by any action of the board in~~  
33 ~~denying or revoking his certificate of registration may appeal~~  
34 ~~therefrom to the superior court of the county in which such person~~  
35 ~~resides, and after full hearing, said court shall make such decree~~  
36 ~~sustaining or revoking the action of the board as it may deem just and~~  
37 ~~proper.~~

38       ~~Fines imposed by the board shall not exceed one thousand dollars~~  
39 ~~for each offense.))~~

1 In addition to the imposition of (~~civil penalties under this~~  
2 ~~section~~) disciplinary action under section 113 of this act, the board  
3 may refer violations of this chapter to the appropriate prosecuting  
4 attorney for charges under RCW 18.43.120.

5 **Sec. 227.** RCW 18.43.130 and 1997 c 247 s 4 are each amended to  
6 read as follows:

7 This chapter shall not be construed to prevent or affect:

8 (1) The practice of any other legally recognized profession or  
9 trade; or

10 (2) The practice of a person not a resident and having no  
11 established place of business in this state, practicing or offering to  
12 practice herein the profession of engineering or land surveying, when  
13 such practice does not exceed in the aggregate more than thirty days in  
14 any calendar year: PROVIDED, Such person has been determined by the  
15 board to be legally qualified by registration to practice the said  
16 profession in his or her own state or country in which the requirements  
17 and qualifications for obtaining a certificate of registration are not  
18 lower than those specified in this chapter. The person shall request  
19 such a determination by completing an application prescribed by the  
20 board and accompanied by a fee determined by the director. Upon  
21 approval of the application, the board shall issue a permit authorizing  
22 temporary practice; or

23 (3) The practice of a person not a resident and having no  
24 established place of business in this state, or who has recently become  
25 a resident thereof, practicing or offering to practice herein for more  
26 than thirty days in any calendar year the profession of engineering or  
27 land surveying, if he or she shall have filed with the board an  
28 application for a certificate of registration and shall have paid the  
29 fee required by this chapter: PROVIDED, That such person is legally  
30 qualified by registration to practice engineering or land surveying in  
31 his or her own state or country in which the requirements and  
32 qualifications of obtaining a certificate of registration are not lower  
33 than those specified in this chapter. Such practice shall continue  
34 only for such time as the board requires for the consideration of the  
35 application for registration; or

36 (4) The work of an employee or a subordinate of a person holding a  
37 certificate of registration under this chapter, or an employee of a  
38 person practicing lawfully under provisions of this section: PROVIDED,

1 That such work does not include final design or decisions and is done  
2 under the direct responsibility, checking, and supervision of a person  
3 holding a certificate of registration under this chapter or a person  
4 practicing lawfully under the provisions of this section; or

5 (5) The work of a person rendering engineering or land surveying  
6 services to a corporation, as an employee of such corporation, when  
7 such services are rendered in carrying on the general business of the  
8 corporation and such general business does not consist, either wholly  
9 or in part, of the rendering of engineering services to the general  
10 public: PROVIDED, That such corporation employs at least one person  
11 holding a certificate of registration under this chapter or practicing  
12 lawfully under the provisions of this chapter; or

13 (6) The practice of officers or employees of the government of the  
14 United States while engaged within the state in the practice of the  
15 profession of engineering or land surveying for the government of the  
16 United States; or

17 (7) Nonresident engineers employed for the purpose of making  
18 engineering examinations; or

19 (8) The practice of engineering or land surveying, or both, in this  
20 state by a corporation or joint stock association: PROVIDED, That

21 (a) The corporation has filed with the board an application for  
22 certificate of authorization upon a form to be prescribed by the board  
23 and containing information required to enable the board to determine  
24 whether such corporation is qualified in accordance with this chapter  
25 to practice engineering or land surveying, or both, in this state;

26 (b) For engineering, the corporation has filed with the board a  
27 certified copy of a resolution of the board of directors of the  
28 corporation that shall designate a person holding a certificate of  
29 registration under this chapter as responsible for the practice of  
30 engineering by the corporation in this state and shall provide that  
31 full authority to make all final engineering decisions on behalf of the  
32 corporation with respect to work performed by the corporation in this  
33 state shall be granted and delegated by the board of directors to the  
34 person so designated in the resolution. For land surveying, the  
35 corporation has filed with the board a certified copy of a resolution  
36 of the board of directors of the corporation which shall designate a  
37 person holding a certificate of registration under this chapter as  
38 responsible for the practice of land surveying by the corporation in  
39 this state and shall provide full authority to make all final land

1 surveying decisions on behalf of the corporation with respect to work  
2 performed by the corporation in this state be granted and delegated by  
3 the board of directors to the person so designated in the resolution.  
4 If a corporation offers both engineering and land surveying services,  
5 the board of directors shall designate both a licensed engineer and a  
6 licensed land surveyor. If a person is licensed in both engineering  
7 and land surveying, the person may be designated for both professions.  
8 The resolution shall further state that the bylaws of the corporation  
9 shall be amended to include the following provision: "The designated  
10 engineer or land surveyor, respectively, named in the resolution as  
11 being in responsible charge, or an engineer or land surveyor under the  
12 designated engineer or land surveyor's direct supervision, shall make  
13 all engineering or land surveying decisions pertaining to engineering  
14 or land surveying activities in the state of Washington." However, the  
15 filing of the resolution shall not relieve the corporation of any  
16 responsibility or liability imposed upon it by law or by contract;

17 (c) If there is a change in the designated engineer or designated  
18 land surveyor, the corporation shall notify the board in writing within  
19 thirty days after the effective date of the change. If the corporation  
20 changes its name, the corporation shall submit a copy of its amended  
21 certificate of authority or amended certificate of incorporation as  
22 filed with the secretary of state within thirty days of the filing;

23 (d) Upon the filing with the board the application for certificate  
24 for authorization, certified copy of resolution and an affidavit, the  
25 designation of a designated engineer or designated land surveyor, or  
26 both, specified in (b) of this subsection, a certificate of  
27 incorporation or certificate of authorization as filed with the  
28 secretary of state, and a copy of the corporation's current Washington  
29 business license, the board shall issue to the corporation a  
30 certificate of authorization to practice engineering or land surveying,  
31 or both, in this state upon a determination by the board that:

32 (i) The designated engineer or designated land surveyor, or both,  
33 hold a certificate of registration in this state in accordance with  
34 this chapter and the certificate is in force;

35 (ii) The designated engineer or designated land surveyor, or both,  
36 are not designated in responsible charge for another corporation or a  
37 limited liability company; and

38 (iii) The corporation is licensed with the secretary of state and  
39 holds a current unified business identification number and the board

1 determines, based on evaluating the findings and information in this  
2 section, that the applicant corporation possesses the ability and  
3 competence to furnish engineering or land surveying services, or both,  
4 in the public interest.

5 The board may exercise its discretion to (~~refuse to issue or it~~  
6 ~~may suspend or revoke~~) take any of the actions under section 113 of  
7 this act with respect to a certificate of authorization issued to a  
8 corporation if the board finds that any of the officers, directors,  
9 incorporators, or the stockholders holding a majority of stock of such  
10 corporation has (~~committed misconduct or malpractice~~) engaged in  
11 unprofessional conduct as defined in RCW 18.43.105 or section 115 of  
12 this act or has been found personally responsible for (~~misconduct or~~  
13 ~~malpractice~~) unprofessional conduct under (f) and (g) of this  
14 subsection.

15 (e) Engineers or land surveyors organized as a professional service  
16 corporation under chapter 18.100 RCW are exempt from applying for a  
17 certificate of authorization under this chapter.

18 (f) Any corporation authorized to practice engineering under this  
19 chapter, together with its directors and officers for their own  
20 individual acts, are responsible to the same degree as an individual  
21 registered engineer, and must conduct its business without (~~misconduct~~  
22 ~~or malpractice~~) unprofessional conduct in the practice of engineering  
23 as defined in this chapter and section 115 of this act.

24 (g) Any corporation that is certified under this chapter is subject  
25 to the authority of the board as provided in RCW 18.43.035, 18.43.105,  
26 18.43.110, (~~and~~) 18.43.120, and chapter 18.--- RCW (sections 101  
27 through 125 of this act).

28 (h) All plans, specifications, designs, and reports when issued in  
29 connection with work performed by a corporation under its certificate  
30 of authorization shall be prepared by or under the direct supervision  
31 of and shall be signed by and shall be stamped with the official seal  
32 of a person holding a certificate of registration under this chapter.

33 (i) For each certificate of authorization issued under this  
34 subsection (8) there shall be paid an initial fee determined by the  
35 director as provided in RCW 43.24.086 and an annual renewal fee  
36 determined by the director as provided in RCW 43.24.086.

37 (9) The practice of engineering and/or land surveying in this state  
38 by a partnership if the partnership employs at least one person holding  
39 a valid certificate of registration under this chapter to practice

1 engineering or land surveying, or both. The board shall not issue  
2 certificates of authorization to partnerships after July 1, 1998.  
3 Partnerships currently registered with the board are not required to  
4 pay an annual renewal fee after July 1, 1998.

5 (10) The practice of engineering or land surveying, or both, in  
6 this state by limited liability companies: Provided, That

7 (a) The limited liability company has filed with the board an  
8 application for certificate of authorization upon a form to be  
9 prescribed by the board and containing information required to enable  
10 the board to determine whether the limited liability company is  
11 qualified under this chapter to practice either or both engineering or  
12 land surveying in this state.

13 (b) The limited liability company has filed with the board a  
14 certified copy of a resolution by the company manager or managers that  
15 shall designate a person holding a certificate of registration under  
16 this chapter as being responsible for the practice of engineering or  
17 land surveying, or both, by the limited liability company in this state  
18 and that the designated person has full authority to make all final  
19 engineering or land surveying decisions on behalf of the limited  
20 liability company with respect to work performed by the limited  
21 liability company in this state. The resolution shall further state  
22 that the limited liability company agreement shall be amended to  
23 include the following provision: "The designated engineer or land  
24 surveyor, respectively, named in the resolution as being in responsible  
25 charge, or an engineer or land surveyor under the designated engineer  
26 or land surveyor's direct supervision, shall make all engineering or  
27 land surveying decisions pertaining to engineering or land surveying  
28 activities in the state of Washington." However, the filing of the  
29 resolution shall not relieve the limited liability company of  
30 responsibility or liability imposed upon it by law or by contract.

31 (c) The designated engineer for the limited liability company must  
32 hold a current professional engineer license issued by this state.

33 The designated land surveyor for the limited liability company must  
34 hold a current professional land surveyor license issued by this state.

35 If a person is licensed as both a professional engineer and as a  
36 professional land surveyor in this state, then the limited liability  
37 company may designate the person as being in responsible charge for  
38 both professions.

1 If there is a change in the designated engineer or designated land  
2 surveyor, the limited liability company shall notify the board in  
3 writing within thirty days after the effective date of the change. If  
4 the limited liability company changes its name, the company shall  
5 submit to the board a copy of the certificate of amendment filed with  
6 the secretary of state's office.

7 (d) Upon the filing with the board the application for certificate  
8 of authorization, a certified copy of the resolution, an affidavit from  
9 the designated engineer or the designated land surveyor, or both,  
10 specified in (b) and (c) of this subsection, a copy of the certificate  
11 of formation as filed with the secretary of state, and a copy of the  
12 company's current business license, the board shall issue to the  
13 limited liability company a certificate of authorization to practice  
14 engineering or land surveying, or both, in this state upon  
15 determination by the board that:

16 (i) The designated engineer or designated land surveyor, or both,  
17 hold a certificate of registration in this state under this chapter and  
18 the certificate is in force;

19 (ii) The designated engineer or designated land surveyor, or both,  
20 are not designated in responsible charge for another limited liability  
21 company or a corporation;

22 (iii) The limited liability company is licensed with the secretary  
23 of state and has a current unified business identification number and  
24 that the board determines, based on evaluating the findings and  
25 information under this subsection, that the applicant limited liability  
26 company possesses the ability and competence to furnish either or both  
27 engineering or land surveying services in the public interest.

28 The board may exercise its discretion to (~~refuse to issue, or it~~  
29 ~~may suspend or revoke~~) take any of the actions under section 113 of  
30 this act with respect to a certificate of authorization issued to a  
31 limited liability company if the board finds that any of the managers  
32 or members holding a majority interest in the limited liability company  
33 has (~~committed misconduct or malpractice~~) engaged in unprofessional  
34 conduct as defined in RCW 18.43.105 or section 115 of this act or has  
35 been found personally responsible for (~~misconduct or malpractice~~)  
36 unprofessional conduct under the provisions of (f) and (g) of this  
37 subsection.

1 (e) Engineers or land surveyors organized as a professional limited  
2 liability company are exempt from applying for a certificate of  
3 authorization under this chapter.

4 (f) Any limited liability company authorized to practice  
5 engineering or land surveying, or both, under this chapter, together  
6 with its manager or managers and members for their own individual acts,  
7 are responsible to the same degree as an individual registered engineer  
8 or registered land surveyor, and must conduct their business without  
9 (~~misconduct or malpractice~~) unprofessional conduct in the practice of  
10 engineering or land surveying, or both.

11 (g) A limited liability company that is certified under this  
12 chapter is subject to the authority of the board as provided in RCW  
13 18.43.035, 18.43.105, 18.43.110, (~~and~~) 18.43.120, and chapter 18.---  
14 RCW (sections 101 through 125 of this act).

15 (h) All plans, specifications, designs, and reports when issued in  
16 connection with work performed by a limited liability company under its  
17 certificate of authorization shall be prepared by or under the direct  
18 supervision of and shall be signed by and shall be stamped with the  
19 official seal of a person holding a certificate of registration under  
20 this chapter.

21 (i) For each certificate of authorization issued under this  
22 subsection (10) there shall be paid an initial fee determined by the  
23 director as provided in RCW 43.24.086 and an annual renewal fee  
24 determined by the director as provided in RCW 43.24.086.

25 NEW SECTION. Sec. 228. A new section is added to chapter 18.43  
26 RCW to read as follows:

27 The uniform regulation of business and professions act, chapter  
28 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
29 practice, the issuance and denial of licenses, and the discipline of  
30 licensees under this chapter.

31 **Sec. 229.** RCW 18.85.040 and 1992 c 92 s 1 are each amended to read  
32 as follows:

33 (1) The director, with the advice and approval of the commission,  
34 may issue rules and regulations to govern the activities of real estate  
35 brokers, associate real estate brokers and salespersons, consistent  
36 with this chapter and chapter 18.--- RCW (sections 101 through 125 of

1 this act), fix the times and places for holding examinations of  
2 applicants for licenses and prescribe the method of conducting them.

3 (2) The director shall enforce all laws, rules, and regulations  
4 relating to the licensing of real estate brokers, associate real estate  
5 brokers, and salespersons, grant or deny licenses to real estate  
6 brokers, associate real estate brokers, and salespersons, and hold  
7 hearings. (~~The director may impose any one or more of the following  
8 sanctions: Suspend or revoke licenses, deny applications for licenses,  
9 fine violators, or require the completion of a course in a selected  
10 aspect of real estate practice relevant to the provision of this  
11 chapter or rule violated. The director may deny, suspend or revoke the  
12 authority of a broker to act as the designated broker of persons who  
13 commit violations of the real estate license law or of the rules and  
14 regulations.~~)

15 (3) The director shall establish by rule standards for licensure of  
16 applicants licensed in other jurisdictions.

17 (4) The director shall institute a program of real estate education  
18 including, but not limited to, instituting a program of education at  
19 institutions of higher education in Washington. The overall program  
20 shall include establishing minimum levels of ongoing education for  
21 licensees relating to the practice of real estate by real estate  
22 brokers and salespersons under this chapter. The program may also  
23 include the development or implementation of curricula courses,  
24 educational materials, or approaches to education relating to real  
25 estate when required, approved, or certified for continuing education  
26 credit. The director may enter into contracts with other persons or  
27 entities, whether publicly or privately owned or operated, to assist in  
28 developing or implementing the real estate education program.

29 (5) The director shall charge a fee, as prescribed by the director  
30 by rule, for the certification of courses of instruction, instructors,  
31 and schools.

32 **Sec. 230.** RCW 18.85.230 and 1999 c 46 s 1 are each amended to read  
33 as follows:

34 (~~The director may, upon his or her own motion, and shall upon  
35 verified complaint in writing by any person, investigate the actions  
36 of~~) In addition to the unprofessional conduct described in section 115  
37 of this act, the director may take disciplinary action against any  
38 person engaged in the business or acting in the capacity of a real

1 estate broker, associate real estate broker, or real estate  
2 salesperson, regardless of whether the transaction was for his or her  
3 own account or in his or her capacity as broker, associate real estate  
4 broker, or real estate salesperson, and may impose any (~~one or more of~~  
5 ~~the following sanctions: Suspend or revoke, levy a fine not to exceed~~  
6 ~~one thousand dollars for each offense, require the completion of a~~  
7 ~~course in a selected area of real estate practice relevant to the~~  
8 ~~section of this chapter or rule violated, or deny the license)) of the  
9 sanctions specified in section 113 of this act for any holder or  
10 applicant who is guilty of:~~

11 (1) (~~Obtaining a license by means of fraud, misrepresentation,~~  
12 ~~concealment, or through the mistake or inadvertence of the director;~~

13 (2)) Violating any of the provisions of this chapter or any lawful  
14 rules or regulations made by the director pursuant thereto or violating  
15 a provision of chapter 64.36, 19.105, or 58.19 RCW or RCW 18.86.030 or  
16 the rules adopted under those chapters or section;

17 (~~(3) Being convicted in a court of competent jurisdiction of this~~  
18 ~~or any other state, or federal court, of forgery, embezzlement,~~  
19 ~~obtaining money under false pretenses, bribery, larceny, extortion,~~  
20 ~~conspiracy to defraud, or any similar offense or offenses: PROVIDED,~~  
21 ~~That for the purposes of this section being convicted shall include all~~  
22 ~~instances in which a plea of guilty or nolo contendere is the basis for~~  
23 ~~the conviction, and all proceedings in which the sentence has been~~  
24 ~~deferred or suspended;~~

25 (4)) (2) Making, printing, publishing, distributing, or causing,  
26 authorizing, or knowingly permitting the making, printing, publication  
27 or distribution of false statements, descriptions or promises of such  
28 character as to reasonably induce any person to act thereon, if the  
29 statements, descriptions, or promises purport to be made or to be  
30 performed by either the licensee or his or her principal and the  
31 licensee then knew or, by the exercise of reasonable care and inquiry,  
32 could have known, of the falsity of the statements, descriptions or  
33 promises;

34 (~~(5)) (3) Knowingly committing, or being a party to, any material~~  
35 ~~fraud, misrepresentation, concealment, conspiracy, collusion, trick,~~  
36 ~~scheme, or device whereby any other person lawfully relies upon the~~  
37 ~~word, representation or conduct of the licensee;~~

38 (~~(6)) (4) Accepting the services of, or continuing in a~~  
39 ~~representative capacity, any associate broker or salesperson who has~~

1 not been granted a license, or after his or her license has been  
2 revoked or during a suspension thereof;

3 ~~((7))~~ (5) Conversion of any money, contract, deed, note,  
4 mortgage, or abstract or other evidence of title, to his or her own use  
5 or to the use of his or her principal or of any other person, when  
6 delivered to him or her in trust or on condition, in violation of the  
7 trust or before the happening of the condition; and failure to return  
8 any money or contract, deed, note, mortgage, abstract, or other  
9 evidence of title within thirty days after the owner thereof is  
10 entitled thereto, and makes demand therefor, shall be prima facie  
11 evidence of such conversion;

12 ~~((8))~~ (6) Failing, upon demand, to disclose any information  
13 within his or her knowledge to, or to produce any document, book or  
14 record in his or her possession for inspection of the director or his  
15 or her authorized representatives acting by authority of law;

16 ~~((9))~~ (7) Continuing to sell any real estate, or operating  
17 according to a plan of selling, whereby the interests of the public are  
18 endangered, after the director has, by order in writing, stated  
19 objections thereto;

20 ~~((10) Committing any act of fraudulent or dishonest dealing or a  
21 crime involving moral turpitude, and a certified copy of the final  
22 holding of any court of competent jurisdiction in such matter shall be  
23 conclusive evidence in any hearing under this chapter. However, RCW  
24 9.96A.020 does not apply to a person who is required to register as a  
25 sex offender under RCW 9A.44.130;~~

26 ~~((11))~~ (8) Advertising in any manner without affixing the broker's  
27 name as licensed, and in the case of a salesperson or associate broker,  
28 without affixing the name of the broker as licensed for whom or under  
29 whom the salesperson or associate broker operates, to the  
30 advertisement; except, that a real estate broker, associate real estate  
31 broker, or real estate salesperson advertising their personally owned  
32 real property must only disclose that they hold a real estate license;

33 ~~((12))~~ (9) Accepting other than cash or its equivalent as earnest  
34 money unless that fact is communicated to the owner prior to his or her  
35 acceptance of the offer to purchase, and such fact is shown in the  
36 earnest money receipt;

37 ~~((13))~~ (10) Charging or accepting compensation from more than one  
38 party in any one transaction without first making full disclosure in

1 writing of all the facts to all the parties interested in the  
2 transaction;

3 ~~((14))~~ (11) Accepting, taking, or charging any undisclosed  
4 commission, rebate, or direct profit on expenditures made for the  
5 principal;

6 ~~((15))~~ (12) Accepting employment or compensation for appraisal of  
7 real property contingent upon reporting a predetermined value;

8 ~~((16))~~ (13) Issuing an appraisal report on any real property in  
9 which the broker, associate broker, or salesperson has an interest  
10 unless his or her interest is clearly stated in the appraisal report;

11 ~~((17))~~ (14) Misrepresentation of his or her membership in any  
12 state or national real estate association;

13 ~~((18))~~ (15) Discrimination against any person in hiring or in  
14 sales activity, on the basis of any of the provisions of any state or  
15 federal antidiscrimination law;

16 ~~((19))~~ (16) Failing to keep an escrow or trustee account of funds  
17 deposited with him or her relating to a real estate transaction, for a  
18 period of three years, showing to whom paid, and such other pertinent  
19 information as the director may require, such records to be available  
20 to the director, or his or her representatives, on demand, or upon  
21 written notice given to the bank;

22 ~~((20))~~ (17) Failing to preserve for three years following its  
23 consummation records relating to any real estate transaction;

24 ~~((21))~~ (18) Failing to furnish a copy of any listing, sale, lease  
25 or other contract relevant to a real estate transaction to all  
26 signatories thereof at the time of execution;

27 ~~((22))~~ (19) Acceptance by a branch manager, associate broker, or  
28 salesperson of a commission or any valuable consideration for the  
29 performance of any acts specified in this chapter, from any person,  
30 except the licensed real estate broker with whom he or she is licensed;

31 ~~((23))~~ (20) To direct any transaction involving his or her  
32 principal, to any lending institution for financing or to any escrow  
33 company, in expectation of receiving a kickback or rebate therefrom,  
34 without first disclosing such expectation to his or her principal;

35 ~~((24))~~ (21) Buying, selling, or leasing directly, or through a  
36 third party, any interest in real property without disclosing in  
37 writing that he or she holds a real estate license;

1        ~~((25))~~ (22) In the case of a broker licensee, failing to exercise  
2 adequate supervision over the activities of his or her licensed  
3 associate brokers and salespersons within the scope of this chapter;  
4        ~~((26))~~ (23) Any conduct in a real estate transaction which  
5 demonstrates bad faith, dishonesty, untrustworthiness, or incompetency;  
6        ~~((27))~~ (24) Acting as a vehicle dealer, as defined in RCW  
7 46.70.011, without having a license to do so; or  
8        ~~((28))~~ (25) Failing to ~~((assure))~~ ensure that the title is  
9 transferred under chapter 46.12 RCW when engaging in a transaction  
10 involving a mobile home as a broker, associate broker, or  
11 salesperson(~~(; or~~  
12        ~~(29) Violation of an order to cease and desist which is issued by~~  
13 ~~the director under this chapter)~~).

14        **Sec. 231.** RCW 18.85.261 and 1987 c 332 s 12 are each amended to  
15 read as follows:

16        ~~((If the licensed person or applicant accused does not appear at  
17 the time and place appointed for the hearing in person or by counsel,  
18 the hearing officer may proceed and determine the facts of the  
19 accusation in his or her absence. The proceedings may be conducted at  
20 places within the state convenient to all persons concerned as  
21 determined by the director, and may be adjourned from day to day or for  
22 longer periods.))~~ The hearing officer shall cause a transcript of all  
23 such proceedings to be kept by a reporter and shall upon request after  
24 completion thereof, furnish a copy of such transcript to the licensed  
25 person or applicant accused in such proceedings at the expense of the  
26 licensee or applicant. The hearing officer shall certify the  
27 transcript of proceedings to be true and correct. If the director  
28 finds that the statement or accusation is not proved by a fair  
29 preponderance of evidence, the director shall notify the licensee or  
30 applicant and the person making the accusation and shall dismiss the  
31 case.

32        **Sec. 232.** RCW 18.85.271 and 1989 c 175 s 66 are each amended to  
33 read as follows:

34        If the director ~~((shall))~~ decides, after such hearing, that the  
35 evidence supports the accusation by a preponderance of evidence, the  
36 director may impose sanctions authorized under RCW 18.85.040. In such  
37 event the director shall enter an order to that effect and shall file

1 the same in his or her office and immediately mail a copy ((thereof))  
2 to the affected party at the address of record with the department.  
3 Such order shall not be operative for a period of ten days from the  
4 date ((thereof. — Any licensee or applicant aggrieved by a final  
5 decision by the director in an adjudicative proceeding, whether such  
6 decision is affirmative or negative in form, is entitled to a judicial  
7 review in the superior court under the provisions of the Administrative  
8 Procedure Act, chapter 34.05 RCW)) the order is served. Upon  
9 instituting appeal in the superior court, the appellant shall give a  
10 cash bond to the state of Washington, which bond shall be filed with  
11 the clerk of the court, in the sum of five hundred dollars to be  
12 approved by the judge of said court, conditioned to pay all costs that  
13 may be awarded against such appellant in the event of an adverse  
14 decision, such bond and notice to be filed within thirty days from the  
15 date of the director's decision.

16 NEW SECTION. **Sec. 233.** A new section is added to chapter 18.85  
17 RCW to read as follows:

18 The uniform regulation of business and professions act, chapter  
19 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
20 practice, the issuance and denial of licenses, and the discipline of  
21 licensees under this chapter.

22 **Sec. 234.** RCW 18.96.060 and 1969 ex.s. c 158 s 6 are each amended  
23 to read as follows:

24 The board shall adopt rules for its own organization and procedure  
25 and such other rules as it may deem necessary to the proper performance  
26 of its duties. Three members of the board shall constitute a quorum  
27 for the conduct of any business of the board.

28 The board may conduct hearings concerning alleged violations of the  
29 provisions of this chapter. ((In conducting such hearings the chairman  
30 of the board, or any member of the board acting in his place, may  
31 administer oaths or affirmations to witnesses appearing before the  
32 board, subpoena witnesses and compel their attendance, and require the  
33 production of books, records, papers and documents. — If any person  
34 shall refuse to obey any subpoena so issued, or shall refuse to testify  
35 or to produce any books, records, papers or documents so required to be  
36 produced, the board may present its petition to the superior court of  
37 the county in which such person resides, setting forth the facts, and

1 thereupon the court shall, in any proper case, enter a suitable order  
2 compelling compliance with the provisions of this chapter and imposing  
3 such other terms and conditions as the court may deem equitable.))

4 **Sec. 235.** RCW 18.96.120 and 1997 c 58 s 827 are each amended to  
5 read as follows:

6 (1) ~~((The director may refuse to renew, or may suspend or revoke,~~  
7 ~~a certificate of registration to use the titles landscape architect,~~  
8 ~~landscape architecture, or landscape architectural in this state upon~~  
9 ~~the following grounds))~~ In addition to the conduct, acts, or conditions  
10 set out in section 115 of this act, the following constitute  
11 unprofessional conduct for which the director may impose discipline  
12 upon any license holder or applicant under the jurisdiction of this  
13 chapter:

14 (a) The holder of the certificate of registration is impersonating  
15 a practitioner or former practitioner.

16 (b) ~~((The holder of the certificate of registration is guilty of~~  
17 ~~fraud, deceit, gross negligence, gross incompetency or gross misconduct~~  
18 ~~in the practice of landscape architecture.~~

19 ~~(c))~~ The holder of the certificate of registration permits his or  
20 her seal to be affixed to any plans, specifications, or drawings that  
21 were not prepared by him or her or under his or her personal  
22 supervision by employees subject to his or her direction and control.

23 ~~((d) The holder of the certificate has committed fraud in applying~~  
24 ~~for or obtaining a certificate.))~~

25 (2) The director shall immediately suspend the certificate of  
26 registration of a landscape architect who has been certified pursuant  
27 to RCW 74.20A.320 by the department of social and health services as a  
28 person who is not in compliance with a support order ~~((or a residential~~  
29 ~~or visitation order))~~. If the person has continued to meet all other  
30 requirements for certification during the suspension, reissuance of the  
31 certificate of registration shall be automatic upon the director's  
32 receipt of a release issued by the department of social and health  
33 services stating that the person is in compliance with the order.

34 **Sec. 236.** RCW 18.96.140 and 1985 c 7 s 77 are each amended to read  
35 as follows:

36 ~~((Upon the recommendations of the board, the director may restore~~  
37 ~~a license to any person whose license has been suspended or revoked.~~

1 ~~Application for the reissuance of a license shall be made in such a~~  
2 ~~manner as indicated by the board.))~~

3 A new certificate of registration to replace any certificate lost  
4 or destroyed, or mutilated may be issued by the director, and a charge  
5 determined by the director as provided in RCW 43.24.086 shall be made  
6 for such issuance.

7 NEW SECTION. **Sec. 237.** A new section is added to chapter 18.96  
8 RCW to read as follows:

9 The uniform regulation of business and professions act, chapter  
10 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
11 practice, the issuance and denial of licenses, and the discipline of  
12 licensees under this chapter.

13 **Sec. 238.** RCW 18.140.030 and 2000 c 249 s 2 are each amended to  
14 read as follows:

15 The director shall have the following powers and duties:

16 (1) To adopt rules in accordance with chapter 34.05 RCW necessary  
17 to implement this chapter and chapter 18.--- RCW (sections 101 through  
18 125 of this act), with the advice and approval of the commission;

19 (2) To receive and approve or deny applications for certification  
20 or licensure as a state-certified or state-licensed real estate  
21 appraiser under this chapter; to establish appropriate administrative  
22 procedures for the processing of such applications; to issue  
23 certificates or licenses to qualified applicants pursuant to the  
24 provisions of this chapter; and to maintain a register of the names and  
25 addresses of individuals who are currently certified or licensed under  
26 this chapter;

27 (3) To provide administrative assistance to the members of and to  
28 keep records for the real estate appraiser commission;

29 (4) To solicit bids and enter into contracts with educational  
30 testing services or organizations for the preparation of questions and  
31 answers for certification or licensure examinations;

32 (5) To administer or contract for administration of certification  
33 or licensure examinations at locations and times as may be required to  
34 carry out the responsibilities under this chapter;

35 (6) To enter into contracts for professional services determined to  
36 be necessary for adequate enforcement of this chapter;

1 (7) To consider recommendations by the real estate appraiser  
2 commission relating to the experience, education, and examination  
3 requirements for each classification of state-certified appraiser and  
4 for licensure;

5 (8) To consider recommendations by the real estate appraiser  
6 commission relating to continuing education requirements as a  
7 prerequisite to renewal of certification or licensure;

8 (9) To consider recommendations by the real estate appraiser  
9 commission relating to standards of professional appraisal conduct or  
10 practice in the enforcement of this chapter;

11 ~~(10) ((To investigate all complaints or reports of unprofessional  
12 conduct as defined in this chapter and to hold hearings as provided in  
13 this chapter;~~

14 ~~(11) To establish appropriate administrative procedures for  
15 disciplinary proceedings conducted pursuant to the provisions of this  
16 chapter;~~

17 ~~(12) To compel the attendance of witnesses and production of books,  
18 documents, records, and other papers; to administer oaths; and to take  
19 testimony and receive evidence concerning all matters within their  
20 jurisdiction. These powers may be exercised directly by the director  
21 or the director's authorized representatives acting by authority of  
22 law;~~

23 ~~(13) To take emergency action ordering summary suspension of a  
24 license or certification pending proceedings by the director;~~

25 ~~(14))~~ To employ such professional, clerical, and technical  
26 assistance as may be necessary to properly administer the work of the  
27 director;

28 ~~((15))~~ (11) To establish forms necessary to administer this  
29 chapter;

30 ~~((16))~~ (12) To establish an expert review appraiser roster  
31 comprised of state-certified or licensed real estate appraisers whose  
32 purpose is to assist the director by applying their individual  
33 expertise by reviewing real estate appraisals for compliance with this  
34 chapter. Qualifications to act as an expert review appraiser shall be  
35 established by the director with the advice of the commission. An  
36 application to serve as an expert review appraiser shall be submitted  
37 to the real estate appraiser program, and the roster of accepted expert  
38 review appraisers shall be maintained by the department. An expert  
39 review appraiser may be added to or deleted from that roster by the

1 director. The expert review appraiser shall be reimbursed for expenses  
2 in the same manner as the department reimburses the commission; and  
3 ~~((17))~~ (13) To do all other things necessary to carry out the  
4 provisions of this chapter and minimally meet the requirements of  
5 federal guidelines regarding state certification or licensure of  
6 appraisers that the director determines are appropriate for state-  
7 certified and state-licensed appraisers in this state.

8 **Sec. 239.** RCW 18.140.160 and 2000 c 35 s 1 are each amended to  
9 read as follows:

10 ~~((The director may deny an application for licensure or  
11 certification and may impose any one or more of the following sanctions  
12 against a state licensed or state certified appraiser: Suspend,  
13 revoke, or levy a fine not to exceed one thousand dollars for each  
14 offense and/or otherwise discipline in accordance with the provisions  
15 of this chapter, for any of the following acts or omissions))~~ In  
16 addition to the unprofessional conduct described in section 115 of this  
17 act, the director may take disciplinary action for the following  
18 conduct, acts, or conditions:

19 (1) Failing to meet the minimum qualifications for state licensure  
20 or certification established by or pursuant to this chapter;

21 (2) ~~((Procuring or attempting to procure state licensure or  
22 certification under this chapter by knowingly making a false statement,  
23 knowingly submitting false information, or knowingly making a material  
24 misrepresentation on any application filed with the director;~~

25 ~~(3))~~ Paying money other than the fees provided for by this chapter  
26 to any employee of the director or the ~~((committee))~~ commission to  
27 procure state licensure or certification under this chapter;

28 ~~((4) Obtaining a license or certification through the mistake or  
29 inadvertence of the director;~~

30 (5) Conviction of any gross misdemeanor or felony or the commission  
31 of any act involving moral turpitude, dishonesty, or corruption whether  
32 or not the act constitutes a crime. If the act constitutes a crime,  
33 conviction in a criminal proceeding is not a condition precedent to  
34 disciplinary action. Upon such a conviction, however, the judgment and  
35 sentence is conclusive evidence at the ensuing disciplinary hearing of  
36 the guilt of the license or certificate holder or applicant of the  
37 crime described in the indictment or information, and of the person's  
38 violation of the statute on which it is based. For the purposes of

1 this section, conviction includes all instances in which a plea of  
2 guilty or nolo contendere is the basis for the conviction and all  
3 proceedings in which the sentence has been deferred or suspended.  
4 Nothing in this section abrogates rights guaranteed under chapter 9.96A  
5 RCW. However, RCW 9.96A.020 does not apply to a person who is required  
6 to register as a sex offender under RCW 9A.44.130;

7 ~~(6) Failure or refusal without good cause to exercise reasonable~~  
8 ~~diligence in developing an appraisal, preparing an appraisal report, or~~  
9 ~~communicating an appraisal;~~

10 ~~(7) Negligence or incompetence in developing an appraisal,~~  
11 ~~preparing an appraisal report, or communicating an appraisal;~~

12 ~~(8)) (3) Continuing to act as a state-licensed or state-certified~~  
13 ~~real estate appraiser when his or her license or certificate is on an~~  
14 ~~expired status;~~

15 ~~((9) Failing, upon demand, to disclose any information within his~~  
16 ~~or her knowledge to, or to produce any document, book, or record in his~~  
17 ~~or her possession for inspection of the director or the director's~~  
18 ~~authorized representatives acting by authority of law;~~

19 ~~(10)) (4) Violating any provision of this chapter or any lawful~~  
20 ~~rule made by the director pursuant thereto; and~~

21 ~~((11) Advertising in a false, fraudulent, or misleading manner;~~

22 ~~(12) Suspension, revocation, or restriction of the individual's~~  
23 ~~license or certification to practice the profession by competent~~  
24 ~~authority in any state, federal, or foreign jurisdiction, with a~~  
25 ~~certified copy of the order, stipulation, or agreement being conclusive~~  
26 ~~evidence of the revocation, suspension, or restriction;~~

27 ~~(13) Failing to comply with an order issued by the director;~~

28 ~~(14) Committing any act of fraudulent or dishonest dealing or a~~  
29 ~~crime involving moral turpitude, with a certified copy of the final~~  
30 ~~holding of any court of competent jurisdiction in such matter being~~  
31 ~~conclusive evidence in any hearing under this chapter; and~~

32 ~~(15)) (5) Issuing an appraisal report on any real property in~~  
33 ~~which the appraiser has an interest unless his or her interest is~~  
34 ~~clearly stated in the appraisal report.~~

35 **Sec. 240.** RCW 18.140.170 and 1996 c 182 s 10 are each amended to  
36 read as follows:

37 The director may investigate the actions of a state-licensed or  
38 state-certified real estate appraiser or an applicant for licensure or

1 certification or relicensure or recertification. Upon receipt of  
2 information indicating that a state-licensed or state-certified real  
3 estate appraiser under this chapter may have violated this chapter, the  
4 director (~~((shall))~~) may cause one or more of the staff investigators to  
5 make an investigation of the facts to determine whether or not there is  
6 admissible evidence of any such violation. If technical assistance is  
7 required, a staff investigator may consult with one or more of the  
8 members of the (~~((committee))~~) commission.

9 ~~((In any investigation made by the director's investigative staff,  
10 the director shall have the power to compel the attendance of witnesses  
11 and the production of books, documents, records, and other papers, to  
12 administer oaths, and to take testimony and receive evidence concerning  
13 all matters within the director's jurisdiction.~~

14 ~~If the director determines, upon investigation, that a state-  
15 licensed or state-certified real estate appraiser under this chapter  
16 has violated this chapter, a statement of charges shall be prepared and  
17 served upon the state-licensed or state-certified real estate  
18 appraiser. The statement of charges shall be served as follows: The  
19 statement of charges shall be sent by certified or registered mail, and  
20 if no receipt of service is received, two attempts to personally serve  
21 the statement of charges shall be made. This statement of charges  
22 shall require the accused party to file an answer to the statement of  
23 charges within twenty days of the date of service.~~

24 ~~In responding to a statement of charges, the accused party may  
25 admit to the allegations, deny the allegations, or otherwise plead.  
26 Failure to make a timely response shall be deemed an admission of the  
27 allegations contained in the statement of charges and will result in a  
28 default whereupon the director may enter an order under RCW 34.05.440.  
29 If a hearing is requested, the time of the hearing shall be scheduled  
30 but the hearing shall not be held earlier than thirty days after  
31 service of the charges upon the accused. A notice of hearing shall be  
32 issued at least twenty days prior to the hearing, specifying the time,  
33 date, and place of hearing.))~~

34 NEW SECTION. Sec. 241. A new section is added to chapter 18.140  
35 RCW to read as follows:

36 The uniform regulation of business and professions act, chapter  
37 18.--- RCW (sections 101 through 125 of this act), governs unlicensed

1 practice, the issuance and denial of licenses, and the discipline of  
2 licensees under this chapter.

3 **Sec. 242.** RCW 18.145.050 and 1995 c 269 s 502 and 1995 c 27 s 6  
4 are each reenacted and amended to read as follows:

5 In addition to any other authority provided by law, the director  
6 may:

7 (1) Adopt rules in accordance with chapter 34.05 RCW that are  
8 necessary to implement this chapter;

9 (2) Set all renewal, late renewal, duplicate, and verification fees  
10 in accordance with RCW 43.24.086;

11 (3) Establish the forms and procedures necessary to administer this  
12 chapter;

13 (4) Issue a certificate to any applicant who has met the  
14 requirements for certification;

15 (5) Hire clerical, administrative, and investigative staff as  
16 needed to implement and administer this chapter;

17 ~~(6) ((Investigate complaints or reports of unprofessional conduct~~  
18 ~~as defined in this chapter and hold hearings under chapter 34.05 RCW;~~

19 ~~(7) Issue subpoenas for records and attendance of witnesses,~~  
20 ~~statements of charges, statements of intent to deny certificates, and~~  
21 ~~orders; administer oaths; take or cause depositions to be taken; and~~  
22 ~~use other discovery procedures as needed in any investigation, hearing,~~  
23 ~~or proceeding held under this chapter;~~

24 ~~(8))~~ Maintain the official departmental record of all applicants  
25 and certificate holders;

26 ~~((9) Delegate, in writing to a designee, the authority to issue~~  
27 ~~subpoenas, statements of charges, and statements of intent to deny~~  
28 ~~certification;~~

29 ~~(10))~~ (7) Approve the preparation and administration of  
30 examinations for certification;

31 ~~((11))~~ (8) Establish by rule the procedures for an appeal of a  
32 failure of an examination;

33 ~~((12) Conduct a hearing under chapter 34.05 RCW on an appeal of a~~  
34 ~~denial of a certificate based on the applicant's failure to meet~~  
35 ~~minimum qualifications for certification;~~

36 ~~(13))~~ (9) Set the criteria for meeting the standard required for  
37 certification;

1       (~~(14)~~) (10) Establish advisory committees whose membership shall  
2 include representatives of professional court reporting and  
3 stenomasking associations and representatives from accredited schools  
4 offering degrees in court reporting or stenomasking to advise the  
5 director on testing procedures, professional standards, disciplinary  
6 activities, or any other matters deemed necessary;

7       (~~(15)~~) (11) Establish ad hoc advisory committees whose membership  
8 shall include representatives of professional court reporting and  
9 stenomasking associations and representatives from accredited schools  
10 offering degrees in court reporting or stenomasking to advise the  
11 director on testing procedures, professional standards, (~~disciplinary~~  
12 ~~activities,~~) or any other matters deemed necessary.

13       NEW SECTION. Sec. 243. A new section is added to chapter 18.145  
14 RCW to read as follows:

15       The uniform regulation of business and professions act, chapter  
16 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
17 practice, the issuance and denial of licenses, and the discipline of  
18 licensees under this chapter.

19       Sec. 244. RCW 18.165.160 and 1997 c 58 s 835 are each amended to  
20 read as follows:

21       In addition to the unprofessional conduct described in section 115  
22 of this act, the director may take disciplinary action for the  
23 following conduct, acts (~~are prohibited and constitute grounds for~~  
24 disciplinary action, assessing administrative penalties, or denial,  
25 suspension, or revocation of any license under this chapter, as deemed  
26 appropriate by the director)), or conditions:

27       (1) (~~Knowingly~~) Violating any of the provisions of this chapter  
28 or the rules adopted under this chapter;

29       (2) (~~Knowingly~~) Making a material misstatement or omission in the  
30 application for or renewal of a (~~license or~~) firearms certificate,  
31 including falsifying requested identification information;

32       (3) Not meeting the qualifications set forth in RCW 18.165.030,  
33 18.165.040, or 18.165.050;

34       (4) Failing to return immediately on demand a firearm issued by an  
35 employer;

36       (5) Carrying a firearm in the performance of his or her duties if  
37 not the holder of a valid armed private investigator license, or

1 carrying a firearm not meeting the provisions of this chapter while in  
2 the performance of his or her duties;

3 (6) Failing to return immediately on demand company identification,  
4 badges, or other items issued to the private investigator by an  
5 employer;

6 (7) Making any statement that would reasonably cause another person  
7 to believe that the private investigator is a sworn peace officer;

8 (8) Divulging confidential information obtained in the course of  
9 any investigation to which he or she was assigned;

10 (9) Acceptance of employment that is adverse to a client or former  
11 client and relates to a matter about which a licensee has obtained  
12 confidential information by reason of or in the course of the  
13 licensee's employment by the client;

14 ~~(10) ((Conviction of a gross misdemeanor or felony or the  
15 commission of any act involving moral turpitude, dishonesty, or  
16 corruption whether the act constitutes a crime or not. If the act  
17 constitutes a crime, conviction in a criminal proceeding is not a  
18 condition precedent to disciplinary action. Upon such a conviction,  
19 however, the judgment and sentence is conclusive evidence at the  
20 ensuing disciplinary hearing of the guilt of the license holder or  
21 applicant of the crime described in the indictment or information, and  
22 of the person's violation of the statute on which it is based. For the  
23 purposes of this section, conviction includes all instances in which a  
24 plea of guilty or nolo contendere is the basis for the conviction and  
25 all proceedings in which the sentence has been deferred or suspended;~~

26 ~~(11) Advertising that is false, fraudulent, or misleading;~~

27 ~~(12) Incompetence or negligence that results in injury to a person  
28 or that creates an unreasonable risk that a person may be harmed;~~

29 ~~(13) Suspension, revocation, or restriction of the individual's  
30 license to practice the profession by competent authority in any state,  
31 federal, or foreign jurisdiction, a certified copy of the order,  
32 stipulation, or agreement being conclusive evidence of the revocation,  
33 suspension, or restriction;~~

34 ~~(14) Failure to cooperate with the director by:~~

35 ~~(a) Not furnishing any necessary papers or documents requested by  
36 the director for purposes of conducting an investigation for  
37 disciplinary action, denial, suspension, or revocation of a license  
38 under this chapter;~~

1       ~~(b) Not furnishing in writing a full and complete explanation~~  
2 ~~covering the matter contained in a complaint filed with the department;~~  
3 ~~or~~

4       ~~(c) Not responding to subpoenas issued by the director, whether or~~  
5 ~~not the recipient of the subpoena is the accused in the proceeding;~~

6       ~~(15) Failure to comply with an order issued by the director or an~~  
7 ~~assurance of discontinuance entered into with the director;~~

8       ~~(16) Aiding or abetting an unlicensed person to practice if a~~  
9 ~~license is required;~~

10       ~~(17) Misrepresentation or fraud in any aspect of the conduct of the~~  
11 ~~business or profession;~~

12       ~~(18) Failure to adequately supervise employees to the extent that~~  
13 ~~the public health or safety is at risk;~~

14       ~~(19) Interference with an investigation or disciplinary proceeding~~  
15 ~~by willful misrepresentation of facts before the director or the~~  
16 ~~director's authorized representative, or by the use of threats or~~  
17 ~~harassment against any client or witness to prevent them from providing~~  
18 ~~evidence in a disciplinary proceeding or any other legal action;~~

19       ~~(20))~~ Assigning or transferring any license issued pursuant to the  
20 provisions of this chapter, except as provided in RCW 18.165.050;

21       ~~((21))~~ (11) Assisting a client to locate, trace, or contact a  
22 person when the investigator knows that the client is prohibited by any  
23 court order from harassing or contacting the person whom the  
24 investigator is being asked to locate, trace, or contact, as it  
25 pertains to domestic violence, stalking, or minor children;

26       ~~((22))~~ (12) Failure to maintain bond or insurance;

27       ~~((23))~~ (13) Failure to have a qualifying principal in place; or

28       ~~((24))~~ (14) Being certified as not in compliance with a support  
29 order ~~((or a residential or visitation order))~~ as provided in RCW  
30 74.20A.320.

31       **Sec. 245.** RCW 18.165.170 and 1995 c 277 s 35 are each amended to  
32 read as follows:

33       The director has the following authority in administering this  
34 chapter:

35       (1) To adopt, amend, and rescind rules as deemed necessary to carry  
36 out this chapter;

37       (2) ~~((To issue subpoenas and administer oaths in connection with an~~  
38 ~~investigation, hearing, or proceeding held under this chapter;~~

1       ~~(3) To take or cause depositions to be taken and use other~~  
2 ~~discovery procedures as needed in an investigation, hearing, or~~  
3 ~~proceeding held under this chapter;~~

4       ~~(4) To compel attendance of witnesses at hearings;~~

5       ~~(5) In the course of investigating a complaint or report of~~  
6 ~~unprofessional conduct, to conduct practice reviews;~~

7       ~~(6) To take emergency action ordering summary suspension of a~~  
8 ~~license, or restriction or limitation of the licensee's practice~~  
9 ~~pending proceedings by the director;~~

10       ~~(7) To use the office of administrative hearings as authorized in~~  
11 ~~chapter 34.12 RCW to conduct hearings. However, the director or the~~  
12 ~~director's designee shall make the final decision in the hearing;~~

13       ~~(8)) To enter into contracts for professional services determined~~  
14 ~~to be necessary for adequate enforcement of this chapter;~~

15       ~~((9)) (3) To adopt standards of professional conduct or practice;~~  
16 ~~and~~

17       ~~((10) In the event of a finding of unprofessional conduct by an~~  
18 ~~applicant or license holder, to impose sanctions against a license~~  
19 ~~applicant or license holder as provided by this chapter;~~

20       ~~(11) To enter into an assurance of discontinuance in lieu of~~  
21 ~~issuing a statement of charges or conducting a hearing. The assurance~~  
22 ~~shall consist of a statement of the law in question and an agreement to~~  
23 ~~not violate the stated provision. The applicant or license holder~~  
24 ~~shall not be required to admit to any violation of the law, and the~~  
25 ~~assurance shall not be construed as such an admission. Violation of an~~  
26 ~~assurance under this subsection is grounds for disciplinary action;~~

27       ~~(12) To designate individuals authorized to sign subpoenas and~~  
28 ~~statements of charges;~~

29       ~~(13)) (4) To employ such investigative, administrative, and~~  
30 ~~clerical staff as necessary for the enforcement of this chapter((;~~

31       ~~(14) To compel attendance of witnesses at hearings; and~~

32       ~~(15) To assess administrative penalties for violations of law,~~  
33 ~~rules, or regulations)).~~

34       NEW SECTION. Sec. 246. A new section is added to chapter 18.165  
35 RCW to read as follows:

36       The uniform regulation of business and professions act, chapter  
37 18.--- RCW (sections 101 through 125 of this act), governs unlicensed

1 practice, the issuance and denial of licenses, and the discipline of  
2 licensees under this chapter.

3 **Sec. 247.** RCW 18.170.170 and 1997 c 58 s 837 are each amended to  
4 read as follows:

5 In addition to the ~~((provisions of RCW 18.170.164, the following~~  
6 ~~acts are prohibited and constitute grounds for disciplinary action,~~  
7 ~~assessing administrative penalties, or denial, suspension, or~~  
8 ~~revocation of any license under this chapter, as deemed appropriate by~~  
9 ~~the director:~~

10 ~~(1) Knowingly violating any of the provisions of this chapter or~~  
11 ~~the rules adopted under this chapter;~~

12 ~~(2)) unprofessional conduct described in section 115 of this act,~~  
13 ~~the following conduct, acts, or conditions constitute unprofessional~~  
14 ~~conduct:~~

15 ~~(1) Violating any of the provisions of this chapter or the rules~~  
16 ~~adopted under this chapter;~~

17 ~~(2) Practicing fraud, deceit, or misrepresentation in any of the~~  
18 ~~private security activities covered by this chapter;~~

19 ~~(3) Knowingly making a material misstatement or omission in the~~  
20 ~~application for a ((license or)) firearms certificate;~~

21 ~~(4) Not meeting the qualifications set forth in RCW 18.170.030,~~  
22 ~~18.170.040, or 18.170.060;~~

23 ~~(5) Failing to return immediately on demand a firearm issued by an~~  
24 ~~employer;~~

25 ~~(6) Carrying a firearm in the performance of his or her duties if~~  
26 ~~not the holder of a valid armed private security guard license, or~~  
27 ~~carrying a firearm not meeting the provisions of this chapter while in~~  
28 ~~the performance of his or her duties;~~

29 ~~(7) Failing to return immediately on demand any uniform, badge, or~~  
30 ~~other item of equipment issued to the private security guard by an~~  
31 ~~employer;~~

32 ~~(8) Making any statement that would reasonably cause another person~~  
33 ~~to believe that the private security guard is a sworn peace officer;~~

34 ~~(9) Divulging confidential information that may compromise the~~  
35 ~~security of any premises, or valuables shipment, or any activity of a~~  
36 ~~client to which he or she was assigned;~~

37 ~~(10) ((Conviction of a gross misdemeanor or felony or the~~  
38 ~~commission of any act involving moral turpitude, dishonesty, or~~

1 corruption whether the act constitutes a crime or not. If the act  
2 constitutes a crime, conviction in a criminal proceeding is not a  
3 condition precedent to disciplinary action. Upon such a conviction,  
4 however, the judgment and sentence is conclusive evidence at the  
5 ensuing disciplinary hearing of the guilt of the license holder or  
6 applicant of the crime described in the indictment or information, and  
7 of the person's violation of the statute on which it is based. For the  
8 purposes of this section, conviction includes all instances in which a  
9 plea of guilty or nolo contendere is the basis for the conviction and  
10 all proceedings in which the sentence has been deferred or suspended;

11 (11) Misrepresentation or concealment of a material fact in  
12 obtaining a license or in reinstatement thereof;

13 (12) Advertising that is false, fraudulent, or misleading;

14 (13) Incompetence or negligence that results in injury to a person  
15 or that creates an unreasonable risk that a person may be harmed;

16 (14) Suspension, revocation, or restriction of the individual's  
17 license to practice the profession by competent authority in any state,  
18 federal, or foreign jurisdiction, a certified copy of the order,  
19 stipulation, or agreement being conclusive evidence of the revocation,  
20 suspension, or restriction;

21 (15) Failure to cooperate with the director by:

22 (a) Not furnishing any necessary papers or documents requested by  
23 the director for purposes of conducting an investigation for  
24 disciplinary action, denial, suspension, or revocation of a license  
25 under this chapter;

26 (b) Not furnishing in writing a full and complete explanation  
27 covering the matter contained in a complaint filed with the department;  
28 or

29 (c) Not responding to subpoenas issued by the director, whether or  
30 not the recipient of the subpoena is the accused in the proceeding;

31 (16) Failure to comply with an order issued by the director or an  
32 assurance of discontinuance entered into with the disciplining  
33 authority;

34 (17) Aiding or abetting an unlicensed person to practice if a  
35 license is required;

36 (18) Misrepresentation or fraud in any aspect of the conduct of the  
37 business or profession;

38 (19) Failure to adequately supervise employees to the extent that  
39 the public health or safety is at risk;

1       ~~(20) Interference with an investigation or disciplinary proceeding~~  
2 ~~by willful misrepresentation of facts before the director or the~~  
3 ~~director's authorized representative, or by the use of threats or~~  
4 ~~harassment against a client or witness to prevent them from providing~~  
5 ~~evidence in a disciplinary proceeding or any other legal action;~~  
6       ~~(21))~~ Assigning or transferring any license issued pursuant to the  
7 provisions of this chapter, except as provided in RCW 18.170.060;  
8       ~~((22))~~ (11) Failure to maintain insurance; and  
9       ~~((23))~~ (12) Failure to have a qualifying principal in place.

10       **Sec. 248.** RCW 18.170.180 and 1991 c 334 s 18 are each amended to  
11 read as follows:

12       The director has the following authority in administering this  
13 chapter:

14       (1) To adopt, amend, and rescind rules as deemed necessary to carry  
15 out this chapter;

16       (2) ~~((To issue subpoenas and administer oaths in connection with an~~  
17 ~~investigation, hearing, or proceeding held under this chapter;~~

18       ~~(3) To take or cause depositions to be taken and use other~~  
19 ~~discovery procedures as needed in an investigation, hearing, or~~  
20 ~~proceeding held under this chapter;~~

21       ~~(4) To compel attendance of witnesses at hearings;~~

22       ~~(5))~~ In the course of investigating a complaint or report of  
23 unprofessional conduct, to conduct practice reviews;

24       ~~((6) To take emergency action ordering summary suspension of a~~  
25 ~~license, or restriction or limitation of the licensee's practice~~  
26 ~~pending proceedings by the director;~~

27       ~~(7) To use the office of administrative hearings as authorized in~~  
28 ~~chapter 34.12 RCW to conduct hearings. However, the director or the~~  
29 ~~director's designee shall make the final decision in the hearing;~~

30       ~~(8))~~ (3) To enter into contracts for professional services  
31 determined to be necessary for adequate enforcement of this chapter;

32       ~~((9))~~ (4) To adopt standards of professional conduct or practice;  
33 and

34       ~~((10) In the event of a finding of unprofessional conduct by an~~  
35 ~~applicant or license holder, to impose sanctions against a license~~  
36 ~~applicant or license holder as provided by this chapter;~~

37       ~~(11) To enter into an assurance of discontinuance in lieu of~~  
38 ~~issuing a statement of charges or conducting a hearing. The assurance~~

1 shall consist of a statement of the law in question and an agreement to  
2 not violate the stated provision. The applicant or license holder  
3 shall not be required to admit to any violation of the law, and the  
4 assurance shall not be construed as such an admission. Violation of an  
5 assurance under this subsection is grounds for disciplinary action;

6 ~~(12) To designate individuals authorized to sign subpoenas and~~  
7 ~~statements of charges;~~

8 ~~(13)))~~ (5) To employ such investigative, administrative, and  
9 clerical staff as necessary for the enforcement of this chapter ~~((; and~~

10 ~~(14) To compel the attendance of witnesses at hearings)).~~

11 NEW SECTION. Sec. 249. A new section is added to chapter 18.170  
12 RCW to read as follows:

13 The uniform regulation of business and professions act, chapter  
14 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
15 practice, the issuance and denial of licenses, and the discipline of  
16 licensees under this chapter.

17 **Sec. 250.** RCW 18.185.110 and 1993 c 260 s 12 are each amended to  
18 read as follows:

19 ~~((The following acts are prohibited and constitute grounds for~~  
20 ~~disciplinary action or denial, suspension, or revocation of any license~~  
21 ~~under this chapter, as deemed appropriate by the director:~~

22 ~~(1) Knowingly violating any of the provisions of this chapter or~~  
23 ~~the rules adopted under this chapter;~~

24 ~~(2) Knowingly making a material misstatement or omission in the~~  
25 ~~application for or renewal of a license;~~

26 ~~(3)))~~ In addition to the unprofessional conduct described in  
27 section 115 of this act, the following conduct, acts, or conditions  
28 constitute unprofessional conduct:

29 (1) Violating any of the provisions of this chapter or the rules  
30 adopted under this chapter;

31 (2) Failing to meet the qualifications set forth in RCW 18.185.020  
32 and 18.185.030;

33 ~~((4) Conviction of a gross misdemeanor or felony or the commission~~  
34 ~~of any act involving moral turpitude, dishonesty, or corruption whether~~  
35 ~~the act constitutes a crime or not. If the act constitutes a crime,~~  
36 ~~conviction in a criminal proceeding is not a condition precedent to~~  
37 ~~disciplinary action. Upon such a conviction, however, the judgment and~~

1 ~~sentence is conclusive evidence at the ensuing disciplinary hearing of~~  
2 ~~the guilt of the license holder or applicant of the crime described in~~  
3 ~~the indictment or information, and of the person's violation of the~~  
4 ~~statute on which it is based. For the purposes of this section,~~  
5 ~~conviction includes all instances in which a plea of guilty or nolo~~  
6 ~~contendere is the basis for the conviction and all proceedings in which~~  
7 ~~the sentence has been deferred or suspended. Nothing in this section~~  
8 ~~abrogates rights guaranteed under chapter 9.96A RCW;~~

9 ~~(5) Advertising that is false, fraudulent, or misleading;~~

10 ~~(6) Incompetence or negligence that results in injury to a person~~  
11 ~~or that creates an unreasonable risk that a person may be harmed;~~

12 ~~(7) Suspension, revocation, or restriction of the individual's~~  
13 ~~license to practice the profession by competent authority in any state,~~  
14 ~~federal, or foreign jurisdiction, a certified copy of the order,~~  
15 ~~stipulation, or agreement being conclusive evidence of the revocation,~~  
16 ~~suspension, or restriction;~~

17 ~~(8) Failure to cooperate with the director by not:~~

18 ~~(a) Furnishing any necessary papers or documents requested by the~~  
19 ~~director for purposes of conducting an investigation for disciplinary~~  
20 ~~action, denial, suspension, or revocation of a license under this~~  
21 ~~chapter;~~

22 ~~(b) Furnishing in writing a full and complete explanation covering~~  
23 ~~the matter contained in a complaint filed with the department; or~~

24 ~~(c) Responding to subpoenas issued by the director, whether or not~~  
25 ~~the recipient of the subpoena is the accused in the proceeding;~~

26 ~~(9) Failure to comply with an order issued by the director or an~~  
27 ~~assurance of discontinuance entered into with the director;~~

28 ~~(10) Aiding or abetting an unlicensed person to practice if a~~  
29 ~~license is required;~~

30 ~~(11))) (3) Knowingly committing, or being a party to, any material~~  
31 ~~fraud, misrepresentation, concealment, conspiracy, collusion, trick,~~  
32 ~~scheme, or device whereby any other person lawfully relies upon the~~  
33 ~~word, representation, or conduct of the licensee;~~

34 ~~((12) Failure to adequately supervise employees to the extent that~~  
35 ~~the client funds are at risk;~~

36 ~~(13) Interference with an investigation or disciplinary proceeding~~  
37 ~~by willful misrepresentation of facts before the director or the~~  
38 ~~director's authorized representative, or by the use of threats or~~

1 harassment against any client or witness to prevent them from providing  
2 evidence in a disciplinary proceeding or any other legal action;  
3 ~~((14))~~ (4) Assigning or transferring any license issued pursuant to  
4 the provisions of this chapter, except as provided in RCW 18.185.030;  
5 ~~((15))~~ (5) Conversion of any money or contract, deed, note,  
6 mortgage, or other evidence of title, to his or her own use or to the  
7 use of his or her principal or of any other person, when delivered to  
8 him or her in trust or on condition, in violation of the trust or  
9 before the happening of the condition; and failure to return any money  
10 or contract, deed, note, mortgage, or other evidence of title within  
11 thirty days after the owner is entitled to possession, and makes demand  
12 for possession, shall be prima facie evidence of conversion;  
13 ~~((16))~~ (6) Failing to keep records, maintain a trust account, or  
14 return collateral or security, as required by RCW 18.185.100;  
15 ~~((17))~~ (7) Any conduct in a bail bond transaction which  
16 demonstrates bad faith, dishonesty, or untrustworthiness; or  
17 ~~((18))~~ (8) Violation of an order to cease and desist that is  
18 issued by the director under this chapter.

19 **Sec. 251.** RCW 18.185.120 and 1993 c 260 s 13 are each amended to  
20 read as follows:

21 In addition to those powers set forth in section 104 of this act,  
22 the director has the ((following)) authority ((in administering this  
23 chapter)):

24 (1) ~~((To adopt, amend, and rescind rules as deemed necessary to~~  
25 ~~carry out this chapter;~~

26 (2) ~~To issue an order providing for one or any combination of the~~  
27 ~~following upon violation or violations of this chapter: Denying,~~  
28 ~~suspending, or revoking a license; assessing monetary penalties;~~  
29 ~~restricting or limiting practice; complying with conditions of~~  
30 ~~probation for a designated period of time; making restitution to the~~  
31 ~~person harmed by the licensee; or other corrective action;~~

32 (3) ~~To issue subpoenas and administer oaths in connection with an~~  
33 ~~investigation, hearing, or proceeding held under this chapter;~~

34 (4) ~~To take or cause depositions to be taken and use other~~  
35 ~~discovery procedures as needed in an investigation, hearing, or~~  
36 ~~proceeding held under this chapter;~~

37 (5) ~~To compel attendance of witnesses at hearings;~~

1       ~~(6) To establish fees by rule under RCW 43.24.086 and chapter 34.05~~  
2 ~~RCW;~~

3       ~~(7) To take emergency action ordering summary suspension of a~~  
4 ~~license, or restriction or limitation of the licensee's practice~~  
5 ~~pending proceedings by the director;~~

6       ~~(8) To use the office of administrative hearings as authorized in~~  
7 ~~chapter 34.12 RCW to conduct hearings. However, the director or the~~  
8 ~~director's designee shall make the final decision in the hearing;~~

9       ~~(9) To enter into contracts for professional services determined to~~  
10 ~~be necessary for adequate enforcement of this chapter;~~

11       ~~(10) To adopt standards of professional conduct or practice;~~

12       ~~(11) In the event of a finding of unprofessional conduct by an~~  
13 ~~applicant or license holder, to impose sanctions against an applicant~~  
14 ~~or license holder as provided by this chapter;~~

15       ~~(12)) To order restitution to the person harmed by the licensee;~~  
16 ~~or~~

17       ~~(2) To enter into an assurance of discontinuance in lieu of issuing~~  
18 ~~a statement of charges or conducting a hearing. The assurance shall~~  
19 ~~consist of a statement of the law in question and an agreement to not~~  
20 ~~violate the stated provision. The applicant or license holder shall~~  
21 ~~not be required to admit to any violation of the law, and the assurance~~  
22 ~~shall not be construed as such an admission. Violation of an assurance~~  
23 ~~under this subsection is grounds for disciplinary action(;~~

24       ~~(13) To designate individuals authorized to sign subpoenas and~~  
25 ~~statements of charges; and~~

26       ~~(14) To employ such investigative, administrative, and clerical~~  
27 ~~staff as necessary for the enforcement of this chapter)).~~

28       **Sec. 252.** RCW 18.185.140 and 1993 c 260 s 15 are each amended to  
29 read as follows:

30       ~~((1) If the director determines, upon investigation, that there is~~  
31 ~~reason to believe a violation of this chapter has occurred, a statement~~  
32 ~~of charges shall be prepared and served upon the license holder or~~  
33 ~~applicant and)) When a statement of charges is issued against a license~~  
34 ~~holder or applicant under section 107 of this act, notice of this~~  
35 ~~action must be given to the owner or qualified agent of the employing~~  
36 ~~bail bond agency. ((The statement of charges shall be accompanied by~~  
37 ~~a notice that the license holder or applicant may request a hearing to~~  
38 ~~contest the charges. The license holder or applicant must file a~~

1 request for hearing with the department within twenty days after being  
2 served the statement of charges. The failure to request a hearing  
3 constitutes a default, whereupon the director may enter an order under  
4 RCW 34.05.440.

5 (2) If a hearing is requested, the time of the hearing shall be  
6 scheduled but the hearing shall not be held earlier than thirty days  
7 after service of the charges upon the license holder or applicant. A  
8 notice of hearing shall be issued at least twenty days prior to the  
9 hearing, specifying the time, date, and place of the hearing.)

10 **Sec. 253.** RCW 18.185.170 and 1993 c 260 s 18 are each amended to  
11 read as follows:

12 (1) ((The director shall investigate complaints concerning practice  
13 by unlicensed persons of a profession or business for which a license  
14 is required by this chapter. In the investigation of the complaints,  
15 the director has the same authority as provided the director under RCW  
16 18.185.140. The director shall issue a cease and desist order to a  
17 person after notice and hearing and upon a determination that the  
18 person has violated this subsection. If the director makes a written  
19 finding of fact that the public interest will be irreparably harmed by  
20 delay in issuing an order, the director may issue a temporary cease and  
21 desist order. The cease and desist order shall not relieve the person  
22 practicing or operating a business without a license from criminal  
23 prosecution therefor, but the remedy of a cease and desist order shall  
24 be in addition to any criminal liability. The cease and desist order  
25 is conclusive proof of unlicensed practice and may be enforced under  
26 RCW 7.21.060. This method of enforcement of the cease and desist order  
27 may be used in addition to, or as an alternative to, any provisions for  
28 enforcement of agency orders.

29 (2) The attorney general, a county prosecuting attorney, the  
30 director, or any person may, in accordance with the law of this state  
31 governing injunctions, maintain an action in the name of this state to  
32 enjoin any person practicing a profession or business for which a  
33 license is required by this chapter without a license from engaging in  
34 such practice or operating such business until the required license is  
35 secured. However, the injunction shall not relieve the person  
36 practicing or operating a business without a license from criminal  
37 prosecution therefor, but the remedy by injunction shall be in addition  
38 to any criminal liability.

1       ~~(3))~~ After June 30, 1994, any person who performs the functions  
2 and duties of a bail bond agent in this state without being licensed in  
3 accordance with the provisions of this chapter, or any person  
4 presenting or attempting to use as his or her own the license of  
5 another, or any person who gives false or forged evidence of any kind  
6 to the director in obtaining a license, or any person who falsely  
7 impersonates any other licensee, or any person who attempts to use an  
8 expired or revoked license, or any person who violates any of the  
9 provisions of this chapter is guilty of a gross misdemeanor.

10       ~~((4))~~ (2) After January 1, 1994, a person is guilty of a gross  
11 misdemeanor if he or she owns or operates a bail bond agency in this  
12 state without first obtaining a bail bond agency license.

13       ~~((5))~~ (3) After June 30, 1994, the owner or qualified agent of a  
14 bail bond agency is guilty of a gross misdemeanor if he or she employs  
15 any person to perform the duties of a bail bond agent without the  
16 employee having in his or her possession a permanent bail bond agent  
17 license issued by the department.

18       ~~((6) All fees, fines, forfeitures, and penalties collected or  
19 assessed by a court because of a violation of this section shall be  
20 remitted to the department.))~~

21       NEW SECTION. Sec. 254. A new section is added to chapter 18.185  
22 RCW to read as follows:

23       The uniform regulation of business and professions act, chapter  
24 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
25 practice, the issuance and denial of licenses, and the discipline of  
26 licensees under this chapter.

27       Sec. 255. RCW 18.210.020 and 1999 c 263 s 3 are each amended to  
28 read as follows:

29       ~~((1))~~ In addition to the unprofessional conduct described in  
30 section 115 of this act, the following conduct, acts, and conditions  
31 constitute unprofessional conduct ((for any person issued, or applying  
32 for, a practice permit or license under this chapter)):

33       ~~((a) Any act involving moral turpitude, dishonesty, or corruption~~  
34 ~~relating to the practice of on-site wastewater treatment designs or~~  
35 ~~inspections, whether or not the act constitutes a crime;~~

36       ~~(b) Misrepresentation or concealment of a material fact in applying~~  
37 ~~for, obtaining, or reinstating a practice permit or license;~~

1       ~~(c) Any advertising which is false, fraudulent, or misleading;~~  
2       ~~(d) Incompetence, gross negligence, or malpractice that results in~~  
3 ~~injury to an individual, damage to property, or adverse impact on the~~  
4 ~~environment;~~  
5       ~~(e) As determined by the board, failure to provide to the board in~~  
6 ~~a timely manner any lawfully requested information or documentation~~  
7 ~~regarding a pending application, license renewal application, or~~  
8 ~~administrative proceeding;~~  
9       ~~(f) Failure to comply with an order issued or approved by the~~  
10 ~~board;~~  
11       ~~(g) Aiding or abetting a person in engaging in practice without a~~  
12 ~~required practice permit or license;~~  
13       ~~(h) Practicing beyond the scope of practice as defined by law or~~  
14 ~~rule;~~  
15       ~~(i) Misrepresentation or fraud in any aspect of the conduct of the~~  
16 ~~business or profession of designing on-site wastewater treatment~~  
17 ~~systems;~~  
18       ~~(j) Failure to adequately supervise auxiliary staff to the extent~~  
19 ~~that the consumer's health or safety is at risk;~~  
20       ~~(k) Interference with an investigation or disciplinary proceeding~~  
21 ~~by willful misrepresentation of facts before the board or its~~  
22 ~~authorized representative, or by the use of threats or harassment~~  
23 ~~against any person who may serve as a witness in any adjudicative~~  
24 ~~proceeding before the board;~~  
25       ~~(l)) (1) Practicing with a practice permit or license issued under~~  
26 ~~this chapter that is expired, suspended, or revoked;~~  
27       ~~((m)) (2) Being willfully untruthful or deceptive in any~~  
28 ~~document, report, statement, testimony, or plan that pertains to the~~  
29 ~~design or construction of an on-site wastewater treatment system; and~~  
30       ~~((n)) (3) Submission of a design or as-built record to a local~~  
31 ~~health jurisdiction, to the department of health, or to the department~~  
32 ~~of ecology, that is knowingly based upon false, incorrect, misleading,~~  
33 ~~or fabricated information(;~~ and  
34       ~~(o) Any act or omission that is contrary to the standard of~~  
35 ~~practice for individuals authorized to practice under this chapter.~~  
36       ~~(2) If an act constitutes a crime, conviction in a criminal~~  
37 ~~proceeding is not a condition precedent to disciplinary action. Upon~~  
38 ~~conviction, however, the judgment and sentence is conclusive evidence,~~  
39 ~~at the ensuing disciplinary hearing, of guilt of the crime described in~~

1 the complaint, indictment, or information, and of violation of the  
2 statute on which it is based. For the purposes of this section,  
3 conviction includes all instances in which a plea of guilty or nolo  
4 contendere is the basis for the conviction and in all proceedings in  
5 which the sentence has been deferred or suspended)).

6 **Sec. 256.** RCW 18.210.030 and 1999 c 263 s 4 are each amended to  
7 read as follows:

8 ((~~(1) The board, upon finding a violation of this chapter, has the  
9 exclusive power to:~~

10 ~~(a) Reprimand an applicant, licensee, or practice permit holder;~~

11 ~~(b) Suspend, revoke, or refuse to renew a license or practice  
12 permit;~~

13 ~~(c) Deny an application for a practice permit or license; and~~

14 ~~(d) Impose any monetary penalty not exceeding one thousand dollars  
15 for each violation upon an applicant, licensee, or permit holder.~~

16 ~~(2) Any person may file with the board a complaint alleging  
17 violation of this chapter. All complaints alleging violation of this  
18 chapter must be in writing and sworn to by the person making the  
19 allegation.~~

20 ~~(3) All procedures related to hearings on any complaint alleging  
21 violations of this chapter must comply with provisions governing  
22 adjudicative proceedings as set forth in chapter 34.05 RCW, the  
23 administrative procedure act.~~

24 ~~(4))~~ The board shall immediately suspend the license or practice  
25 permit of a person who has been certified pursuant to RCW 74.20A.320 by  
26 the department of social and health services as a person who is not in  
27 compliance with a support order. If the person has continued to meet  
28 all other requirements for a license under this chapter during the  
29 suspension, reissuance of the license or certificate shall be automatic  
30 upon the department's receipt of a release issued by the department of  
31 social and health services stating that the licensee is in compliance  
32 with the child support order. The procedure in RCW 74.20A.320 is the  
33 exclusive administrative remedy for contesting the establishment of  
34 noncompliance with a child support order, and suspension of a license  
35 under this subsection, and satisfies the requirements of RCW 34.05.422.

36 **Sec. 257.** RCW 18.210.060 and 1999 c 263 s 7 are each amended to  
37 read as follows:

1 (1) The board may:  
2 (a) Adopt rules to implement this chapter including, but not  
3 limited to, evaluation of experience, examinations, and scope and  
4 standards of practice;  
5 (b) Administer licensing examinations; and  
6 (c) Review and approve or deny initial and renewal license  
7 applications(~~(;~~  
8 ~~(d) Conduct investigations of complaints alleging violations of~~  
9 ~~this chapter;~~  
10 ~~(e) Conduct adjudicative proceedings in accordance with the~~  
11 ~~administrative procedure act, chapter 34.05 RCW;~~  
12 ~~(f) Issue investigative subpoenas to compel the production of~~  
13 ~~records, maps, and other documents, as may be related to the~~  
14 ~~investigation of violations of this chapter; and~~  
15 ~~(g) Take disciplinary action as provided for in RCW 18.43.110 and~~  
16 ~~18.43.120)).~~  
17 (2) The board shall consider recommendations of the advisory  
18 committee made in accordance with this chapter.

19 **Sec. 258.** RCW 18.210.160 and 1999 c 263 s 17 are each amended to  
20 read as follows:

21 ~~((1))~~ On or after July 1, 2003, it is a gross misdemeanor for any  
22 person, not otherwise exempt from the requirements of this chapter, to:  
23 ~~((a))~~ (1) Perform on-site wastewater treatment systems design  
24 services without a license; ~~((b))~~ (2) purport to be qualified to  
25 perform those services without having been issued a standard license  
26 under this chapter; ~~((c))~~ (3) attempt to use the license or seal of  
27 another; ~~((d))~~ (4) attempt to use a revoked or suspended license; or  
28 ~~((e))~~ (5) attempt to use false or fraudulent credentials. In  
29 addition, action may be taken under section 117 of this act.

30 ~~((2) The board may exercise its authority under RCW 18.43.120 in~~  
31 ~~dealing with persons described in subsection (1) of this section.))~~

32 NEW SECTION. **Sec. 259.** A new section is added to chapter 18.210  
33 RCW to read as follows:

34 The uniform regulation of business and professions act, chapter  
35 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
36 practice, the issuance and denial of licenses, and the discipline of  
37 licensees under this chapter.

1       **Sec. 260.** RCW 18.220.040 and 2000 c 253 s 5 are each amended to  
2 read as follows:

3       The director has the following authority in administering this  
4 chapter:

5       (1) To adopt, amend, and rescind rules approved by the board as  
6 deemed necessary to carry out this chapter;

7       (2) To adopt fees as provided in RCW 43.24.086;

8       (3) To administer licensing examinations approved by the board and  
9 to adopt or recognize examinations prepared by other organizations as  
10 approved by the board;

11       ~~(4) ((To issue subpoenas and administer oaths in connection with an  
12 investigation, hearing, or proceeding held under this chapter;~~

13       ~~(5) To take or cause depositions to be taken and use other  
14 discovery procedures as needed in an investigation, hearing, or  
15 proceeding held under this chapter;~~

16       ~~(6) To compel attendance of witnesses at hearings;~~

17       ~~(7) In the course of investigating a complaint or report of  
18 unprofessional conduct, to direct the board to conduct practice reviews  
19 and disciplinary hearings;~~

20       ~~(8) To take emergency action ordering summary suspension of a  
21 license, or restrict or limit a licensee's practice pending further  
22 proceedings by the director;~~

23       ~~(9) To use the board or, at the request of the board, the office of  
24 administrative hearings, as authorized in chapter 34.12 RCW, to conduct  
25 hearings. However, the director or the director's designee shall make  
26 the final decision as to disposition of the charges;~~

27       ~~(10) To enter into contracts for professional services determined  
28 to be necessary for adequate enforcement of this chapter;~~

29       ~~(11))~~ To adopt standards of professional conduct and practice as  
30 approved by the board; and

31       ~~((12) In the event of a finding of unprofessional conduct by an  
32 applicant or license holder, to impose sanctions against a license  
33 applicant or license holder as provided by this chapter;~~

34       ~~(13))~~ (5) To enter into an assurance of discontinuance in lieu of  
35 issuing a statement of charges or conducting a hearing. The assurance  
36 shall consist of a statement of the law in question and an agreement to  
37 not violate the stated provision. Violation of an assurance under this  
38 subsection is grounds for disciplinary action((;

1       ~~(14) To designate individuals authorized to sign subpoenas and~~  
2 ~~statement of charges; and~~  
3       ~~(15) To employ investigative, administrative, and clerical staff as~~  
4 ~~necessary for the enforcement of this chapter)).~~

5       **Sec. 261.** RCW 18.220.050 and 2000 c 253 s 6 are each amended to  
6 read as follows:

7       The board has the following authority in administering this  
8 chapter:

9       (1) To establish rules, including board organization and assignment  
10 of terms, and meeting frequency and timing, for adoption by the  
11 director;

12       (2) To establish the minimum qualifications for applicants for  
13 licensure as provided by this chapter;

14       (3) To approve the method of administration for examinations  
15 required by this chapter or by rule as established by the director. To  
16 approve the adoption or recognition of examinations prepared by other  
17 organizations for adoption by the director. To set the time and place  
18 of examinations with the approval of the director;

19       (4) To establish and review standards of professional conduct and  
20 practice for adoption by the director. Rules of professional conduct  
21 will be consistent with those outlined for engineers and land  
22 surveyors;

23       (5) To designate specialties of geology to be licensed under this  
24 chapter; and

25       (6) ~~((To conduct disciplinary hearings; and~~  
26 ~~(7))~~) To conduct practice reviews.

27       **Sec. 262.** RCW 18.220.130 and 2000 c 253 s 14 are each amended to  
28 read as follows:

29       In addition to the unprofessional conduct described in section 115  
30 of this act, the following conduct, acts ((are prohibited and)), and  
31 conditions constitute ((grounds for disciplinary action or denial,  
32 suspension, or revocation of any license under this chapter))  
33 unprofessional conduct:

34       (1) ~~((Knowingly))~~ Violating any of the provisions of this chapter  
35 or the rules adopted under this chapter;

36       (2) ~~((Knowingly making a material misstatement or omission in the~~  
37 ~~application for or renewal of a license;~~

1       ~~(3))~~ Not meeting the qualifications for licensing set forth by  
2 this chapter;

3       ~~((4) Incompetency, misconduct, fraud, gross negligence, or~~  
4 ~~repeated incidents of negligence in or related to the practice of~~  
5 ~~geology;~~

6       ~~(5) Conviction of a gross misdemeanor or felony or the commission~~  
7 ~~of any act involving moral turpitude, dishonesty, or corruption whether~~  
8 ~~or not the act constitutes a crime. If the act constitutes a crime,~~  
9 ~~conviction in a criminal proceeding is not a condition precedent to~~  
10 ~~disciplinary action. Upon such conviction, however, the judgment and~~  
11 ~~sentence is conclusive evidence at the ensuing disciplinary hearing of~~  
12 ~~the guilt of the license holder or applicant of the crime described in~~  
13 ~~the indictment or information, and of the person's violation of the~~  
14 ~~statute on which it was based. For the purposes of this section,~~  
15 ~~conviction includes all instances in which a plea of guilty or nolo~~  
16 ~~contendere is the basis for the conviction and all proceedings in which~~  
17 ~~the sentence has been deferred or suspended. Nothing in this section~~  
18 ~~abrogates rights guaranteed under chapter 9.96A RCW;~~

19       ~~(6) Advertising that is false, fraudulent, or misleading;~~

20       ~~(7) Suspension, revocation, or restriction of the individual's~~  
21 ~~license to practice the profession by competent authority in any state,~~  
22 ~~federal, or foreign jurisdiction, a certified copy of the order,~~  
23 ~~stipulation, or agreement being conclusive evidence of the revocation,~~  
24 ~~suspension, or restriction;~~

25       ~~(8) Aiding or abetting an unlicensed person to practice if a~~  
26 ~~license is required;~~

27       ~~(9) Failure to adequately supervise subordinates to the extent that~~  
28 ~~the public health or safety is at risk;~~

29       ~~(10) Failure to cooperate with the director by:~~

30       ~~(a) Not furnishing any necessary papers or documents requested by~~  
31 ~~the director for purposes of conducting an investigation for~~  
32 ~~disciplinary action, denial, suspension, or revocation of a license~~  
33 ~~under this chapter;~~

34       ~~(b) Not furnishing in writing a full and complete explanation~~  
35 ~~covering the matter contained in a complaint filed with the department;~~  
36 ~~or~~

37       ~~(c) Not responding to subpoenas issued by the director, whether or~~  
38 ~~not the recipient of the subpoena is the accused in the proceeding;~~

1       ~~((11))~~) (3) Failure to comply with an ~~((order issued by the director~~  
2 ~~or an))~~ assurance of discontinuance entered into with the director;  
3       ~~((12) Interference with an investigation or disciplinary~~  
4 ~~proceeding by willful misrepresentation of facts before the director or~~  
5 ~~the director's authorized representative, or by use of threats or~~  
6 ~~harassment against any client or witness to prevent them from providing~~  
7 ~~evidence in a disciplinary proceeding or any other legal action;))~~ or  
8       ~~((13))~~) (4) Committing any other act, or failing to act, which act  
9 or failure are customarily regarded as being contrary to the accepted  
10 professional conduct or standard generally expected of those practicing  
11 geology.

12       **Sec. 263.** RCW 18.220.150 and 2000 c 253 s 16 are each amended to  
13 read as follows:

14       A person, including but not limited to consumers, licensees,  
15 corporations, organizations, and state and local governments or  
16 agencies, may submit a written complaint to the department charging a  
17 license holder or applicant with unprofessional conduct and specifying  
18 the grounds for the charge. If the director determines that the  
19 complaint merits investigation, or if the director has reason to  
20 believe, without a formal complaint, that a license holder or applicant  
21 may have engaged in unprofessional conduct, the director ~~((shall))~~ may  
22 investigate to determine if there has been unprofessional conduct. A  
23 person who files a complaint under this section in good faith is immune  
24 from suit in any civil action related to the filing or contents of the  
25 complaint. ~~((The director, individuals acting on the director's~~  
26 ~~behalf, and members of the board are immune from suit in any action,~~  
27 ~~civil or criminal, based on disciplinary proceedings or other official~~  
28 ~~acts performed in the course of their duties in the administration and~~  
29 ~~enforcement of this chapter.))~~

30       NEW SECTION. **Sec. 264.** A new section is added to chapter 18.220  
31 RCW to read as follows:

32       The uniform regulation of business and professions act, chapter  
33 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
34 practice, the issuance and denial of licenses, and the discipline of  
35 licensees under this chapter.

1       **Sec. 265.** RCW 19.16.120 and 1997 c 58 s 847 are each amended to  
2 read as follows:

3       In addition to other provisions of this chapter, (~~any license~~  
4 ~~issued pursuant to this chapter or any application therefor may be~~  
5 ~~denied, not renewed, revoked, or suspended, or in lieu of or in~~  
6 ~~addition to suspension a licensee may be assessed a civil, monetary~~  
7 ~~penalty in an amount not to exceed one thousand dollars)) and the  
8 unprofessional conduct described in section 115 of this act, the  
9 following conduct, acts, or conditions constitute unprofessional  
10 conduct:~~

11       (1) If an individual applicant or licensee is less than eighteen  
12 years of age or is not a resident of this state.

13       (2) If an applicant or licensee is not authorized to do business in  
14 this state.

15       (3) If the application or renewal forms required by this chapter  
16 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if  
17 applicable, have not been paid, and the surety bond or cash deposit or  
18 other negotiable security acceptable to the director required by RCW  
19 19.16.190, if applicable, has not been filed or renewed or is canceled.

20       (4) If any individual applicant, owner, officer, director, or  
21 managing employee of a nonindividual applicant or licensee:

22       (a) (~~Shall have knowingly made a false statement of a material~~  
23 ~~fact in any application for a collection agency license or an out-of-~~  
24 ~~state collection agency license or renewal thereof, or in any data~~  
25 ~~attached thereto and two years have not elapsed since the date of such~~  
26 ~~statement;~~

27       (b) ~~Shall have had a license to engage in the business of a~~  
28 ~~collection agency or out-of-state collection agency denied, not~~  
29 ~~renewed, suspended, or revoked by this state, any other state, or~~  
30 ~~foreign country, for any reason other than the nonpayment of licensing~~  
31 ~~fees or failure to meet bonding requirements: PROVIDED, That the terms~~  
32 ~~of this subsection shall not apply if:~~

33       (i) ~~Two years have elapsed since the time of any such denial,~~  
34 ~~nonrenewal, or revocation; or~~

35       (ii) ~~The terms of any such suspension have been fulfilled;~~

36       (c) ~~Has been convicted in any court of any felony involving~~  
37 ~~forgery, embezzlement, obtaining money under false pretenses, larceny,~~  
38 ~~extortion, or conspiracy to defraud and is incarcerated for that~~

1 ~~offense or five years have not elapsed since the date of such~~  
2 ~~conviction;~~

3 ~~(d))~~ Has had any judgment entered against him or her in any civil  
4 action involving forgery, embezzlement, obtaining money under false  
5 pretenses, larceny, extortion, or conspiracy to defraud and five years  
6 have not elapsed since the date of the entry of the final judgment in  
7 said action: PROVIDED, That in no event shall a license be issued  
8 unless the judgment debt has been discharged;

9 ~~((e))~~ (b) Has had his or her license to practice law suspended or  
10 revoked and two years have not elapsed since the date of such  
11 suspension or revocation, unless he or she has been relicensed to  
12 practice law in this state;

13 ~~((f))~~ (c) Has had any judgment entered against ~~((him or it))~~ such  
14 a person under the provisions of RCW 19.86.080 or 19.86.090 involving  
15 a violation or violations of RCW 19.86.020 and two years have not  
16 elapsed since the entry of the final judgment: PROVIDED, That in no  
17 event shall a license be issued unless the terms of such judgment, if  
18 any, have been fully complied with: PROVIDED FURTHER, That said  
19 judgment shall not be grounds for denial, suspension, nonrenewal, or  
20 revocation of a license unless the judgment arises out of and is based  
21 on acts of the applicant, owner, officer, director, managing employee,  
22 or licensee while acting for or as a collection agency or an out-of-  
23 state collection agency;

24 ~~((g))~~ (d) Has petitioned for bankruptcy, and two years have not  
25 elapsed since the filing of ~~((said))~~ the petition;

26 ~~((h) Shall be)~~ (e) Is insolvent in the sense that ~~((his or its))~~  
27 the person's liabilities exceed ~~((his or its))~~ the person's assets or  
28 in the sense that ~~((he or it))~~ the person cannot meet ~~((his or its))~~  
29 obligations as they mature;

30 ~~((i))~~ (f) Has failed to pay any civil, monetary penalty assessed  
31 in accordance with RCW 19.16.351 ~~((or 19.16.360))~~ within ten days after  
32 the assessment becomes final;

33 ~~((j))~~ (g) Has ~~((knowingly))~~ failed to comply with, or violated  
34 any provisions of this chapter or any rule or regulation issued  
35 pursuant to this chapter, and two years have not elapsed since the  
36 occurrence of said noncompliance or violation; or

37 ~~((k))~~ (h) Has been found by a court of competent jurisdiction to  
38 have violated the federal fair debt collection practices act, 15 U.S.C.

1 Sec. 1692 et seq., or the Washington state consumer protection act,  
2 chapter 19.86 RCW, and two years have not elapsed since that finding.

3 Except as otherwise provided in this section, any person who is  
4 engaged in the collection agency business as of January 1, 1972, shall,  
5 upon filing the application, paying the fees, and filing the surety  
6 bond or cash deposit or other negotiable security in lieu of bond  
7 required by this chapter, be issued a license under this chapter.

8 The director shall immediately suspend the license or certificate  
9 of a person who has been certified pursuant to RCW 74.20A.320 by the  
10 department of social and health services as a person who is not in  
11 compliance with a support order (~~((or a residential or visitation~~  
12 ~~order))~~). If the person has continued to meet all other requirements  
13 for reinstatement during the suspension, reissuance of the license or  
14 certificate shall be automatic upon the director's receipt of a release  
15 issued by the department of social and health services stating that the  
16 licensee is in compliance with the order.

17 **Sec. 266.** RCW 19.16.351 and 1977 ex.s. c 194 s 2 are each amended  
18 to read as follows:

19 The board, in addition to any other powers and duties granted under  
20 this chapter and section 104 of this act:

21 (1) May adopt, amend, and rescind (~~((such))~~) rules (~~((and~~  
22 ~~regulations))~~) for its own organization and procedure and (~~((such))~~) other  
23 rules (~~((and regulations))~~) as it may deem necessary in order to perform  
24 its duties (~~((hereunder))~~) under this chapter.

25 (2) (~~((When an applicant or licensee has requested a hearing as~~  
26 ~~provided in RCW 19.16.360 the board shall meet and after notice and~~  
27 ~~hearing may deny any application for a license hereunder, and may fail~~  
28 ~~to renew, suspend, or revoke any license issued hereunder, if the~~  
29 ~~applicant or licensee has failed to comply with or violated any~~  
30 ~~provision of this chapter or any rule or regulation issued pursuant to~~  
31 ~~this chapter. In its discretion, the board may assess a civil,~~  
32 ~~monetary penalty against a licensee in an amount not to exceed one~~  
33 ~~thousand dollars in lieu of or in addition to suspension. It shall be~~  
34 ~~the duty of the board within thirty days after the last day of hearing~~  
35 ~~to notify the appellant of its decision.~~

36 (~~(3))~~) May inquire into the needs of the collection agency business,  
37 the needs of the director, and the matter of the policy of the director  
38 in administering this chapter, and make such recommendations with

1 respect thereto as, after consideration, may be deemed important and  
2 necessary for the welfare of the state, the welfare of the public, and  
3 the welfare and progress of the collection agency business.

4 ~~((+4))~~ (3) Upon request of the director, confer and advise in  
5 matters relating to the administering of this chapter.

6 ~~((+5))~~ (4) May consider and make appropriate recommendations to  
7 the director in all matters referred to the board.

8 ~~((+6))~~ (5) Upon ~~((his))~~ request of the director, confer with and  
9 advise the director in the preparation of any rules ~~((and regulations))~~  
10 to be adopted, amended, or repealed.

11 ~~((+7))~~ (6) May assist the director in the collection of such  
12 information and data as the director may deem necessary to the proper  
13 administration of this chapter.

14 NEW SECTION. Sec. 267. A new section is added to chapter 19.16  
15 RCW to read as follows:

16 The uniform regulation of business and professions act, chapter  
17 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
18 practice, the issuance and denial of licenses, and the discipline of  
19 licensees under this chapter.

20 **Sec. 268.** RCW 19.31.070 and 1969 ex.s. c 228 s 7 are each amended  
21 to read as follows:

22 (1) The director shall administer the provisions of this chapter  
23 and shall issue from time to time reasonable rules and regulations for  
24 enforcing and carrying out the provisions and purposes of this chapter.

25 ~~((The director shall have power to compel the attendance of  
26 witnesses by the issuance of subpoenas, to administer oaths, and to  
27 take testimony and proofs concerning all matters pertaining to the  
28 administration of this chapter.~~

29 ~~(3))~~ The director shall have supervisory and investigative  
30 authority over all employment agencies. Upon receiving a complaint  
31 against any employment agency, the director shall have the right to  
32 examine all books, documents, or records in its possession. In  
33 addition, the director may examine the office or offices where business  
34 is or shall be conducted by such agency.

35 **Sec. 269.** RCW 19.31.130 and 1997 c 58 s 848 are each amended to  
36 read as follows:

1 (1) In accordance with the provisions of chapter 34.05 RCW (~~as now~~  
2 ~~or as hereafter amended~~), the director may by order (~~deny, suspend or~~  
3 ~~revoke~~) sanction the license of any employment agency under section  
4 113 of this act, if (~~he~~) the director finds that the applicant or  
5 licensee(~~:~~

6 (~~a) Was previously the holder of a license issued under this~~  
7 ~~chapter, which was revoked for cause and never reissued by the~~  
8 ~~director, or which license was suspended for cause and the terms of the~~  
9 ~~suspension have not been fulfilled;~~

10 (~~b) Has been found guilty of any felony within the past five years~~  
11 ~~involving moral turpitude, or for any misdemeanor concerning fraud or~~  
12 ~~conversion, or suffering any judgment in any civil action involving~~  
13 ~~wilful fraud, misrepresentation or conversion;~~

14 (~~c) Has made a false statement of a material fact in his~~  
15 ~~application or in any data attached thereto;~~

16 (~~d~~)) has violated any provisions of this chapter, or failed to  
17 comply with any rule or regulation issued by the director pursuant to  
18 this chapter.

19 (2) The director shall immediately suspend the license or  
20 certificate of a person who has been certified pursuant to RCW  
21 74.20A.320 by the department of social and health services as a person  
22 who is not in compliance with a support order (~~or a residential or~~  
23 ~~visitation order~~). If the person has continued to meet all other  
24 requirements for reinstatement during the suspension, reissuance of the  
25 license or certificate shall be automatic upon the director's receipt  
26 of a release issued by the department of social and health services  
27 stating that the licensee is in compliance with the order.

28 NEW SECTION. Sec. 270. A new section is added to chapter 19.31  
29 RCW to read as follows:

30 The uniform regulation of business and professions act, chapter  
31 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
32 practice, the issuance and denial of licenses, and the discipline of  
33 licensees under this chapter.

34 **Sec. 271.** RCW 19.105.350 and 1988 c 159 s 10 are each amended to  
35 read as follows:

36 (1) If the purchaser will own or acquire title to specified real  
37 property or improvements to be acquired by the camping resort, the

1 director may by order require to the extent necessary to protect the  
2 interests of the purchasers or owners of camping resort contracts, that  
3 an appropriate portion of the proceeds paid under those camping resort  
4 contracts be placed in a separate reserve fund to be set aside and  
5 applied toward the purchase price of the real property, improvements,  
6 or facilities.

7 (2) The director may (~~deny or suspend~~) take any of the actions  
8 authorized in section 113 of this act against a registration in which  
9 the registrant is advertising or offering annual or periodic dues or  
10 assessments by members that the director finds would result in the  
11 registrant's future inability to fund operating costs.

12 **Sec. 272.** RCW 19.105.380 and 1997 c 58 s 850 are each amended to  
13 read as follows:

14 (1) (~~A registration or an application for registration of camping~~  
15 ~~resort contracts or renewals thereof may by order be denied, suspended,~~  
16 ~~or revoked if the director finds that~~) In addition to the  
17 unprofessional conduct in section 115 of this act, the director may  
18 take disciplinary action for the following conduct, acts, or  
19 conditions:

20 (a) (~~The advertising, sales techniques, or trade practices of the~~  
21 ~~applicant, registrant, or its affiliate or agent have been or are~~  
22 ~~deceptive, false, or misleading;~~

23 (~~b~~)) The applicant (~~or~~), registrant, or affiliate has failed to  
24 file copies of the camping resort contract form under RCW 19.105.360;

25 (~~c~~)) (b) The applicant, registrant, or affiliate has failed to  
26 comply with any provision of this chapter(~~, the rules adopted or the~~  
27 conditions of a permit granted under this chapter, or a stipulation or  
28 final order previously entered into by the operator or issued by the  
29 department under this chapter));

30 (~~d~~)) (c) The applicant's, registrant's, or affiliate's offering  
31 of camping resort contracts has worked or would work a fraud upon  
32 purchasers or owners of camping resort contracts;

33 (~~e~~)) (d) The camping resort operator or any officer, director,  
34 or affiliate of the camping resort operator has been (~~within the last~~  
35 five years convicted of or pleaded nolo contendere to any misdemeanor or  
36 felony involving conversion, embezzlement, theft, fraud, or dishonesty,  
37 has been) enjoined from or had any civil penalty assessed for a  
38 finding of dishonest dealing or fraud in a civil suit, or been found to

1 have engaged in any violation of any act designed to protect consumers,  
2 or has been engaged in dishonest practices in any industry involving  
3 sales to consumers;

4 ~~((f))~~ (e) The applicant or registrant has represented or is  
5 representing to purchasers in connection with the offer or sale of a  
6 camping resort contract that a camping resort property, facility,  
7 amenity camp site, or other development is planned, promised, or  
8 required, and the applicant or registrant has not provided the director  
9 with a security or assurance of performance as required by this  
10 chapter;

11 ~~((g))~~ (f) The applicant or registrant has not provided or is no  
12 longer providing the director with the necessary security arrangements  
13 to ~~((assure))~~ ensure future availability of titles or properties as  
14 required by this chapter or agreed to in the permit to market;

15 ~~((h))~~ (g) The applicant or registrant is or has been employing  
16 unregistered salespersons or offering or proposing a membership  
17 referral program not in compliance with this chapter;

18 ~~((i))~~ (h) The applicant or registrant has breached any escrow,  
19 impound, reserve account, or trust arrangement or the conditions of an  
20 order or permit to market required by this chapter;

21 ~~((j) The applicant or registrant has breached any stipulation or  
22 order entered into in settlement of the department's filing of a  
23 previous administrative action;~~

24 ~~(k))~~ (i) The applicant or registrant has filed or caused to be  
25 filed with the director any document or affidavit, or made any  
26 statement during the course of a registration or exemption procedure  
27 with the director, that is materially untrue or misleading;

28 ~~((l))~~ (j) The applicant or registrant has engaged in a practice  
29 of failing to provide the written disclosures to purchasers or  
30 prospective purchasers as required under this chapter;

31 ~~((m))~~ (k) The applicant, registrant, or any of its officers,  
32 directors, or employees, if the operator is other than a natural  
33 person, have willfully done, or permitted any of their salespersons or  
34 agents to do, any of the following:

35 (i) Engage in a pattern or practice of making untrue or misleading  
36 statements of a material fact, or omitting to state a material fact;

37 (ii) Employ any device, scheme, or artifice to defraud purchasers  
38 or members;

1 (iii) Engage in a pattern or practice of failing to provide the  
2 written disclosures to purchasers or prospective purchasers as required  
3 under this chapter;

4 (~~(n)~~) (l) The applicant or registrant has failed to provide a  
5 bond, letter of credit, or other arrangement to (~~(assure)~~) ensure  
6 delivery of promised gifts, prizes, awards, or other items of  
7 consideration, as required under this chapter, breached such a security  
8 arrangement, or failed to maintain such a security arrangement in  
9 effect because of a resignation or loss of a trustee, impound, or  
10 escrow agent;

11 (~~(o)~~) (m) The applicant or registrant has engaged in a practice  
12 of selling contracts using material amendments or codicils that have  
13 not been filed or are the consequences of breaches or alterations in  
14 previously filed contracts;

15 (~~(p)~~) (n) The applicant or registrant has engaged in a practice  
16 of selling or proposing to sell contracts in a ratio of contracts to  
17 sites available in excess of that filed in the affidavit required by  
18 this chapter;

19 (~~(q)~~) (o) The camping resort operator has withdrawn, has the  
20 right to withdraw, or is proposing to withdraw from use all or any  
21 portion of any camping resort property devoted to the camping resort  
22 program, unless:

23 (i) Adequate provision has been made to provide within a reasonable  
24 time thereafter a substitute property in the same general area that is  
25 at least as desirable for the purpose of camping and outdoor  
26 recreation;

27 (ii) The property is withdrawn because, despite good faith efforts  
28 by the camping resort operator, a nonaffiliate of the camping resort  
29 has exercised a right of withdrawal from use by the camping resort  
30 (such as withdrawal following expiration of a lease of the property to  
31 the camping resort) and the terms of the withdrawal right have been  
32 disclosed in writing to all purchasers at or prior to the time of any  
33 sales of camping resort contracts after the camping resort has  
34 represented to purchasers that the property is or will be available for  
35 camping or recreation purposes;

36 (iii) The specific date upon which the withdrawal becomes effective  
37 has been disclosed in writing to all purchasers and members prior to  
38 the time of any sales of camping resort contracts after the camping

1 resort has represented to purchasers that the property is or will be  
2 available for camping or recreation purposes;

3 (iv) The rights of members and owners of the camping resort  
4 contracts under the express terms of the camping resort contract have  
5 expired, or have been specifically limited, upon the lapse of a stated  
6 or determinable period of time, and the director by order has found  
7 that the withdrawal is not otherwise inconsistent with the protection  
8 of purchasers or the desire of the majority of the owners of camping  
9 resort contracts, as expressed in their previously obtained vote of  
10 approval;

11 ~~((r))~~ (p) The format, form, or content of the written disclosures  
12 provided therein is not complete, full, or materially accurate, or  
13 statements made therein are materially false, misleading, or deceptive;

14 ~~((s) The applicant or registrant has failed or declined to respond  
15 to any subpoena lawfully issued and served by the department under this  
16 chapter;~~

17 ~~(t))~~ (q) The applicant or registrant has failed to file an  
18 amendment for a material change in the manner or at the time required  
19 under this chapter or its implementing rules;

20 ~~((u))~~ (r) The applicant or registrant has filed voluntarily or  
21 been placed involuntarily into a federal bankruptcy or is proposing to  
22 do so; or

23 ~~((v))~~ (s) A camping resort operator's rights or interest in a  
24 campground has been terminated by foreclosure or the operations in a  
25 camping resort have been terminated in a manner contrary to contract  
26 provisions.

27 (2) ~~((Any applicant or registrant who has violated subsection  
28 (1)(a), (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section  
29 may be fined by the director in an amount not to exceed one thousand  
30 dollars for each such violation. Proceedings seeking such fines shall  
31 be held in accordance with chapter 34.05 RCW and may be filed either  
32 separately or in conjunction with other administrative proceedings to  
33 deny, suspend, or revoke registrations authorized under this chapter.  
34 Fines collected from such proceedings shall be deposited in the state  
35 general fund.~~

36 ~~(3))~~ An operator, registrant, or applicant against whom  
37 administrative or legal proceedings have been filed shall be  
38 responsible for and shall reimburse the state, by payment into the  
39 general fund, for all administrative and legal costs actually incurred

1 by the department in issuing, processing, and conducting any such  
2 administrative or legal proceeding authorized under this chapter that  
3 results in a final legal or administrative determination of any type or  
4 degree in favor of the department.

5 ~~((4) No order may be entered under this section without~~  
6 ~~appropriate prior notice to the applicant or registrant of opportunity~~  
7 ~~for a hearing and written findings of fact and conclusions of law,~~  
8 ~~except that the director may by order summarily deny an application for~~  
9 ~~registration or renewal under any of the above subsections and may~~  
10 ~~summarily suspend or revoke a registration under subsection (1)(d),~~  
11 ~~(f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine~~  
12 ~~may be imposed by summary order.~~

13 ~~(5) The proceedings to deny an application or renewal, suspend or~~  
14 ~~revoke a registration or permit, whether summarily or otherwise, or~~  
15 ~~impose a fine shall be held in accordance with chapter 34.05 RCW.~~

16 ~~(6))~~ (3) The director may enter into assurances of discontinuance  
17 in lieu of issuing a statement of charges or a cease and desist order  
18 or conducting a hearing under this chapter. The assurances shall  
19 consist of a statement of the law in question and an agreement not to  
20 violate the stated provision. The applicant or registrant shall not be  
21 required to admit to any violation of the law, nor shall the assurance  
22 be construed as such an admission. Violating or breaching an assurance  
23 under this subsection is grounds for suspension or revocation of  
24 registration or imposition of a fine.

25 ~~((7))~~ (4) The director shall immediately suspend the license or  
26 certificate of a person who has been certified pursuant to RCW  
27 74.20A.320 by the department of social and health services as a person  
28 who is not in compliance with a support order ~~((or a residential or~~  
29 ~~visitation order))~~. If the person has continued to meet all other  
30 requirements for reinstatement during the suspension, reissuance of the  
31 license or certificate shall be automatic upon the director's receipt  
32 of a release issued by the department of social and health services  
33 stating that the licensee is in compliance with the order.

34 **Sec. 273.** RCW 19.105.440 and 1997 c 58 s 851 are each amended to  
35 read as follows:

36 (1) A salesperson may apply for registration by filing in a  
37 complete and readable form with the director an application form  
38 provided by the director ~~((which))~~ that includes the following:

1 (a) A statement whether or not the applicant (~~((within the past five~~  
2 ~~years has been convicted of, pleaded nolo contendere to, or been ordered~~  
3 ~~to serve probation for a period of a year or more for any misdemeanor~~  
4 ~~or felony involving conversion, embezzlement, theft, fraud, or~~  
5 ~~dishonesty or the applicant has been enjoined from, had any civil~~  
6 ~~penalty assessed for, or)) has been found to have engaged in any  
7 violation of any act designed to protect consumers and whether the  
8 applicant is qualified for licensure under section 115 of this act;~~

9 (b) A statement fully describing the applicant's employment history  
10 for the past five years and whether or not any termination of  
11 employment (~~((during the last five years))~~) was the result of any theft,  
12 fraud, or act of dishonesty;

13 (c) A consent to service comparable to that required of operators  
14 under this chapter; and

15 (d) Required filing fees.

16 (2) (~~((The director may by order deny, suspend, or revoke a camping~~  
17 ~~resort salesperson's registration or application for registration under~~  
18 ~~this chapter or the person's license or application under chapter 18.85~~  
19 ~~RCW, or impose a fine on such persons not exceeding two hundred dollars~~  
20 ~~per violation, if the director finds that the order is necessary for~~  
21 ~~the protection of purchasers or owners of camping resort contracts and~~  
22 ~~the applicant or registrant is guilty of)) In addition to the  
23 unprofessional conduct specified in section 115 of this act, the  
24 director may take disciplinary action against a camping resort  
25 salesperson's registration or application for registration under this  
26 chapter or the person's license or application under chapter 18.85 RCW  
27 for any of the following conduct, acts, or conditions:~~

28 (a) (~~((Obtaining registration by means of fraud, misrepresentation,~~  
29 ~~or concealment, or through the mistake or inadvertence of the director;~~

30 ~~(b))) Violating any of the provisions of this chapter or any lawful~~  
31 ~~rules adopted by the director pursuant thereto;~~

32 (~~((c) Being convicted in a court of competent jurisdiction of this~~  
33 ~~or any other state, or federal court, of forgery, embezzlement,~~  
34 ~~obtaining money under false pretenses, bribery, larceny, extortion,~~  
35 ~~conspiracy to defraud, or any similar offense or offenses. For the~~  
36 ~~purposes of this section, "being convicted" includes all instances in~~  
37 ~~which a plea of guilty or nolo contendere is the basis for the~~  
38 ~~conviction, and all proceedings in which the sentence has been deferred~~  
39 ~~or suspended;~~

1       ~~(d))~~ (b) Making, printing, publishing, distributing, or causing,  
2 authorizing, or knowingly permitting the making, printing, publication,  
3 or distribution of false statements, descriptions, or promises of such  
4 character as to reasonably induce any person to act thereon, if the  
5 statements, descriptions, or promises purport to be made or to be  
6 performed by either the applicant or registrant and the applicant or  
7 registrant then knew or, by the exercise of reasonable care and  
8 inquiry, could have known, of the falsity of the statements,  
9 descriptions, or promises;

10       ~~((e))~~ (c) Knowingly committing, or being a party to, any material  
11 fraud, misrepresentation, concealment, conspiracy, collusion, trick,  
12 scheme, or device whereby any other person lawfully relies upon the  
13 work, representation, or conduct of the applicant or registrant;

14       ~~((f) Failing, upon demand, to disclose to the director or the  
15 director's authorized representatives acting by authority of law any  
16 information within his or her knowledge or to produce for inspection  
17 any document, book or record in his or her possession, which is  
18 material to the salesperson's registration or application for  
19 registration;~~

20       ~~(g))~~ (d) Continuing to sell camping resort contracts in a manner  
21 whereby the interests of the public are endangered, if the director  
22 has, by order in writing, stated objections thereto;

23       ~~((h) Committing any act of fraudulent or dishonest dealing or a  
24 crime involving moral turpitude, and a certified copy of the final  
25 holding of any court of competent jurisdiction in such matter shall be  
26 conclusive evidence in any hearing under this chapter;~~

27       ~~(i))~~ (e) Misrepresentation of membership in any state or national  
28 association; or

29       ~~((j))~~ (f) Discrimination against any person in hiring or in sales  
30 activity on the basis of race, color, creed, or national origin, or  
31 violating any state or federal antidiscrimination law.

32       (3) ~~((No order may be entered under this section without  
33 appropriate prior notice to the applicant or registrant of opportunity  
34 for a hearing and written findings of fact and conclusions of law,  
35 except that the director may by order summarily deny an application for  
36 registration under this section.~~

37       ~~(4) The proceedings to deny an application or renewal, suspend or  
38 revoke a registration or permit, whether summarily or otherwise, or  
39 impose a fine shall be held in accordance with chapter 34.05 RCW.~~

1       ~~(5))~~ The director, subsequent to any complaint filed against a  
2 salesperson or pursuant to an investigation to determine violations,  
3 may enter into stipulated assurances of discontinuances in lieu of  
4 issuing a statement of charges or a cease and desist order or  
5 conducting a hearing. The assurance shall consist of a statement of  
6 the law in question and an agreement not to violate the stated  
7 provision. The salesperson shall not be required to admit to any  
8 violation of the law, nor shall the assurance be construed as such an  
9 admission. Violation of an assurance under this subsection is grounds  
10 for ~~((a))~~ disciplinary action~~((, a suspension of registration, or a~~  
11 ~~fine not to exceed one thousand dollars))~~.

12       ~~((6))~~ (4) The director may by rule require such further  
13 information or conditions for registration as a camping resort  
14 salesperson, including qualifying examinations and fingerprint cards  
15 prepared by authorized law enforcement agencies, as the director deems  
16 necessary to protect the interests of purchasers.

17       ~~((7))~~ (5) Registration as a camping resort salesperson shall be  
18 effective for a period of one year unless the director specifies  
19 otherwise or the salesperson transfers employment to a different  
20 registrant. Registration as a camping resort salesperson shall be  
21 renewed annually, or at the time of transferring employment, whichever  
22 occurs first, by the filing of a form prescribed by the director for  
23 that purpose.

24       ~~((8))~~ (6) It is unlawful for a registrant of camping resort  
25 contracts to employ or a person to act as a camping resort salesperson  
26 covered under this section unless the salesperson has in effect with  
27 the department and displays a valid registration in a conspicuous  
28 location at each of the sales offices at which the salesperson is  
29 employed. It is the responsibility of both the operator and the  
30 salesperson to notify the department when and where a salesperson is  
31 employed, his or her responsibilities and duties, and when the  
32 salesperson's employment or reported duties are changed or terminated.

33       ~~((9))~~ (7) The director shall immediately suspend the license or  
34 certificate of a person who has been certified pursuant to RCW  
35 74.20A.320 by the department of social and health services as a person  
36 who is not in compliance with a support order ~~((or a residential or~~  
37 ~~visitation order))~~. If the person has continued to meet all other  
38 requirements for reinstatement during the suspension, reissuance of the  
39 license or certificate shall be automatic upon the director's receipt

1 of a release issued by the department of social and health services  
2 stating that the licensee is in compliance with the order.

3 **Sec. 274.** RCW 19.105.470 and 2000 c 171 s 69 are each amended to  
4 read as follows:

5 (1) Whenever it appears to the director that any person has engaged  
6 or is about to engage in any act or practice constituting a violation  
7 of any provision of this chapter, any withdrawal of a camping resort  
8 property in violation of RCW 19.105.380(1)(~~(a)~~) (o), or any rule,  
9 order, or permit issued under this chapter, the director may in his or  
10 her discretion issue an order directing the person to cease and desist  
11 from continuing the act or practice. (~~Reasonable notice of and~~  
12 ~~opportunity for a hearing shall be given.~~) The procedures in section  
13 117 of this act apply to these cease and desist orders. However, the  
14 director may issue a temporary order pending the hearing which shall be  
15 effective immediately upon delivery to the person affected and which  
16 shall remain in effect until ten days after the hearing is held and  
17 which shall become final if the person to whom notice is addressed does  
18 not request a hearing (~~within fifteen days after receipt of notice~~).

19 (2) If it appears necessary in order to protect the interests of  
20 members and purchasers, whether or not the director has issued a cease  
21 and desist order, the attorney general in the name of the state, the  
22 director, the proper prosecuting attorney, an affiliated members'  
23 common-interest association, or a group of members as a class, may  
24 bring an action in any court of competent jurisdiction to enjoin any  
25 such acts or practices and to enforce compliance with this chapter or  
26 any rule, order, or permit under this chapter. Upon a proper showing,  
27 a permanent or temporary injunction, restraining order, or writ of  
28 mandamus shall be granted and a receiver or conservator may be  
29 appointed for the defendant, for the defendant's assets, or to protect  
30 the interests or assets of a members' common-interest association or  
31 the members of a camping resort as a class. The state, the director,  
32 a members' common-interest association, or members as a class shall not  
33 be required to post a bond in such proceedings.

34 NEW SECTION. **Sec. 275.** A new section is added to chapter 19.105  
35 RCW to read as follows:

36 The uniform regulation of business and professions act, chapter  
37 18.--- RCW (sections 101 through 125 of this act), governs unlicensed

1 practice, the issuance and denial of licenses, and the discipline of  
2 licensees under this chapter.

3 **Sec. 276.** RCW 19.138.120 and 1999 c 238 s 4 are each amended to  
4 read as follows:

5 (1) Each seller of travel shall renew its registration on or before  
6 July 1<sup>st</sup> of every year or as otherwise determined by the director.

7 (2) Renewal of a registration is subject to the same provisions  
8 covering ~~((issuance, suspension, and revocation of))~~ disciplinary  
9 action as a registration originally issued.

10 (3) The director may refuse to renew a registration for any of the  
11 grounds set out under RCW 19.138.130 and section 115 of this act, and  
12 where the past conduct of the applicant affords reasonable grounds for  
13 belief that the applicant will not carry out the applicant's duties in  
14 accordance with law and with integrity and honesty. The director shall  
15 promptly notify the applicant in writing by certified mail of its  
16 intent to refuse to renew the registration. The registrant may~~((~~  
17 ~~within twenty one days after receipt of that notice or intent,~~)  
18 request a hearing on the refusal as provided in section 107 of this  
19 act. The director may permit the registrant to honor commitments  
20 already made to its customers, but no new commitments may be incurred,  
21 unless the director is satisfied that all new commitments are  
22 completely bonded or secured to ~~((insure))~~ ensure that the general  
23 public is protected from loss of money paid to the registrant. ~~((It is~~  
24 ~~the responsibility of the registrant to contest the decision regarding~~  
25 ~~conditions imposed or registration denied through the process~~  
26 ~~established by the administrative procedure act, chapter 34.05 RCW.))~~

27 **Sec. 277.** RCW 19.138.130 and 1999 c 238 s 5 are each amended to  
28 read as follows:

29 (1) ~~((The director may deny, suspend, or revoke the registration of~~  
30 ~~a seller of travel if the director finds that the applicant))~~ In  
31 addition to the unprofessional conduct described in section 115 of this  
32 act, the director may take disciplinary action based on the following  
33 conduct, acts, or conditions if the applicant or registrant:

34 (a) Was previously the holder of a registration issued under this  
35 chapter, and the registration was revoked for cause and never reissued  
36 by the director, or the registration was suspended for cause and the  
37 terms of the suspension have not been fulfilled;

1       ~~((Has been found guilty of a felony within the past ten years~~  
2 ~~involving moral turpitude, or of a misdemeanor concerning fraud or~~  
3 ~~conversion, or))~~ Suffers a judgment in a civil action involving willful  
4 fraud, misrepresentation, or conversion;

5       ~~((Has made a false statement of a material fact in an~~  
6 ~~application under this chapter or in data attached to it;~~

7       ~~(d))~~ Has violated this chapter or failed to comply with a rule  
8 adopted by the director under this chapter; or

9       ~~((e))~~ (d) Has failed to display the registration as provided in  
10 this chapter(;

11       ~~(f) Has published or circulated a statement with the intent to~~  
12 ~~deceive, misrepresent, or mislead the public; or~~

13       ~~(g) Has committed a fraud or fraudulent practice in the operation~~  
14 ~~and conduct of a travel agency business, including, but not limited to,~~  
15 ~~intentionally misleading advertising)).~~

16       (2) If the seller of travel is found in violation of this chapter  
17 or in violation of the consumer protection act, chapter 19.86 RCW, by  
18 the entry of a judgment or by settlement of a claim, the director may  
19 revoke the registration of the seller of travel, and the director may  
20 reinstate the registration at the director's discretion.

21       (3) The director shall immediately suspend the license or  
22 certificate of a person who has been certified pursuant to RCW  
23 74.20A.320 by the department of social and health services as a person  
24 who is not in compliance with a support order ~~((or a residential or~~  
25 ~~visitation order))~~. If the person has continued to meet all other  
26 requirements for reinstatement during the suspension, reissuance of the  
27 license or certificate shall be automatic upon the director's receipt  
28 of a release issued by the department of social and health services  
29 stating that the licensee is in compliance with the order.

30       **Sec. 278.** RCW 19.138.170 and 1999 c 238 s 7 are each amended to  
31 read as follows:

32       The director has the following powers and duties:

33       (1) To adopt, amend, and repeal rules to carry out the purposes of  
34 this chapter;

35       ~~(2) ((To issue and renew registrations under this chapter and to~~  
36 ~~deny or refuse to renew for failure to comply with this chapter;~~

37       ~~(3) To suspend or revoke a registration for a violation of this~~  
38 ~~chapter;~~

1       ~~(4))~~) To establish fees;

2       ~~((+5))~~) (3) Upon receipt of a complaint, to inspect and audit the  
3 books and records of a seller of travel. The seller of travel shall  
4 immediately make available to the director those books and records as  
5 may be requested at the seller of travel's place of business or at a  
6 location designated by the director. For that purpose, the director  
7 shall have full and free access to the office and places of business of  
8 the seller of travel during regular business hours. When ten or more  
9 complaints have been received by either the department or the attorney  
10 general on a seller of travel within a period of ninety days, the  
11 department shall inspect and audit books and records of the seller of  
12 travel; and

13       ~~((+6))~~) (4) To do all things necessary to carry out the functions,  
14 powers, and duties set forth in this chapter.

15       **Sec. 279.** RCW 19.138.180 and 1994 c 237 s 15 are each amended to  
16 read as follows:

17       The director, in the director's discretion, may:

18       (1) Annually, or more frequently, make public or private  
19 investigations within or without this state as the director deems  
20 necessary to determine whether a registration should be ~~((granted,~~  
21 ~~denied, revoked, or suspended))~~ subject to disciplinary action, or  
22 whether a person has violated or is about to violate this chapter or a  
23 rule adopted or order issued under this chapter, or to aid in the  
24 enforcement of this chapter or in the prescribing of rules and forms of  
25 this chapter;

26       (2) Publish information concerning a violation of this chapter or  
27 a rule adopted or order issued under this chapter; and

28       (3) Investigate complaints concerning practices by sellers of  
29 travel for which registration is required by this chapter.

30       **Sec. 280.** RCW 19.138.200 and 1994 c 237 s 20 are each amended to  
31 read as follows:

32       The director or individuals acting on the director's behalf are  
33 immune from suit in any action, civil or criminal, based on  
34 ~~((disciplinary proceedings or other official))~~ acts performed in the  
35 course of their duties in the administration and enforcement of this  
36 chapter.

1       **Sec. 281.** RCW 19.138.240 and 1994 c 237 s 21 are each amended to  
2 read as follows:

3       ~~(1) ((The director may assess against a person or organization that~~  
4 ~~violates this chapter, or a rule adopted under this chapter, a civil~~  
5 ~~penalty of not more than one thousand dollars for each violation.~~

6       ~~(2) The person or organization shall be afforded the opportunity~~  
7 ~~for a hearing, upon request made to the director within thirty days~~  
8 ~~after the date of issuance of the notice of assessment. The hearing~~  
9 ~~shall be conducted in accordance with chapter 34.05 RCW.~~

10       ~~(3))~~) A civil penalty shall be imposed by the court for each  
11 violation of this chapter in an amount not less than five hundred  
12 dollars nor more than two thousand dollars per violation.

13       ~~((4))~~) (2) If a person fails to pay an assessment after it has  
14 become a final and unappealable order, or after the court has entered  
15 final judgment in favor of the state, the director may recover the  
16 amount assessed by action in the appropriate superior court. In the  
17 action, the validity and appropriateness of the final order imposing  
18 the penalty shall not be subject to review.

19       **NEW SECTION. Sec. 282.** A new section is added to chapter 19.138  
20 RCW to read as follows:

21       The uniform regulation of business and professions act, chapter  
22 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
23 practice, the issuance and denial of licenses, and the discipline of  
24 licensees under this chapter.

25       **Sec. 283.** RCW 19.158.040 and 1989 c 20 s 4 are each amended to  
26 read as follows:

27       In addition to the unprofessional conduct described in section 115  
28 of this act, the director of the department of licensing may take  
29 disciplinary action for any of the following conduct, acts, or  
30 conditions:

31       (1) It shall be unlawful for any person to engage in unfair or  
32 deceptive commercial telephone solicitation.

33       (2) A commercial telephone solicitor shall not place calls to any  
34 residence which will be received before 8:00 a.m. or after 9:00 p.m. at  
35 the purchaser's local time.

1 (3) A commercial telephone solicitor may not engage in any conduct  
2 the natural consequence of which is to harass, intimidate, or torment  
3 any person in connection with the telephone call.

4 **Sec. 284.** RCW 19.158.050 and 1997 c 58 s 853 are each amended to  
5 read as follows:

6 (1) In order to maintain or defend a lawsuit or do any business in  
7 this state, a commercial telephone solicitor must be registered with  
8 the department of licensing. Prior to doing business in this state, a  
9 commercial telephone solicitor shall register with the department of  
10 licensing. Doing business in this state includes both commercial  
11 telephone solicitation from a location in Washington and solicitation  
12 of purchasers located in Washington.

13 (2) The department of licensing, in registering commercial  
14 telephone solicitors, shall have the authority to require the  
15 submission of information necessary to assist in identifying and  
16 locating a commercial telephone solicitor, including past business  
17 history, prior judgments, and such other information as may be useful  
18 to purchasers.

19 (3) The department of licensing shall issue a registration number  
20 to the commercial telephone solicitor.

21 (4) (~~It is a violation of this chapter for a commercial telephone~~  
22 ~~solicitor to:~~) In addition to the unprofessional conduct described in  
23 section 115 of this act, the director of the department of licensing  
24 may take disciplinary action for any of the following conduct, acts, or  
25 conditions:

26 (a) Failing to maintain a valid registration;

27 (b) (~~Advertise~~) Advertising that one is registered as a  
28 commercial telephone solicitor or (~~to~~) representing that such  
29 registration constitutes approval or endorsement by any government or  
30 governmental office or agency;

31 (c) (~~Provide inaccurate or incomplete information to the~~  
32 ~~department of licensing when making a registration application; or~~

33 ~~(d)~~) Representing that a person is registered or that such person  
34 has a valid registration number when such person does not.

35 (5) An annual registration fee shall be assessed by the department  
36 of licensing, the amount of which shall be determined at the discretion  
37 of the director of the department of licensing, and which shall be

1 reasonably related to the cost of administering the provisions of this  
2 chapter.

3 (6) The department shall immediately suspend the license or  
4 certificate of a person who has been certified pursuant to RCW  
5 74.20A.320 by the department of social and health services as a person  
6 who is not in compliance with a support order (~~(or a residential or~~  
7 ~~visitation order)~~). If the person has continued to meet all other  
8 requirements for reinstatement during the suspension, reissuance of the  
9 license or certificate shall be automatic upon the department's receipt  
10 of a release issued by the department of social and health services  
11 stating that the licensee is in compliance with the order.

12 NEW SECTION. Sec. 285. A new section is added to chapter 19.158  
13 RCW to read as follows:

14 The uniform regulation of business and professions act, chapter  
15 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
16 practice, the issuance and denial of licenses, and the discipline of  
17 licensees under this chapter.

18 **Sec. 286.** RCW 42.44.030 and 1985 c 156 s 3 are each amended to  
19 read as follows:

20 In addition to the unprofessional conduct specified in section 115  
21 of this act, the director may deny appointment as a notary public to  
22 any person ((who)) based on the following conduct, acts, or conditions:

23 (1) (~~Has been convicted of a serious crime;~~  
24 ~~(2))~~ Has had ((a notary appointment or other)) disciplinary action  
25 taken against any professional license ((revoked, suspended, or  
26 restricted)) in this or any other state; or

27 ((3)) (2) Has engaged in official misconduct as defined in  
28 ((section 17(1) of this act)) RCW 42.44.160(1), whether or not criminal  
29 penalties resulted((; or

30 ~~(4) Has performed a notarial act or acts in a manner found by the~~  
31 ~~director to constitute gross negligence, a course of negligent conduct,~~  
32 ~~or reckless disregard of his or her responsibility as a notary~~  
33 ~~public)).~~

34 The director shall deliver a certificate evidencing the appointment  
35 to each person appointed as a notary public. The certificate may be  
36 signed in facsimile by the governor, the secretary of state, and the

1 director or the director's designee. The certificate must bear a  
2 printed seal of the state of Washington.

3 **Sec. 287.** RCW 42.44.060 and 1985 c 156 s 6 are each amended to  
4 read as follows:

5 A person appointed as a notary public by the director may perform  
6 notarial acts in this state for a term of four years, unless:

7 (1) Disciplinary action has been taken against the notarial  
8 appointment ((has been revoked under RCW 42.44.130 or 42.44.140)),  
9 including a shorter term, suspension, or revocation; or

10 (2) The notarial appointment has been resigned.

11 **Sec. 288.** RCW 42.44.160 and 1985 c 156 s 16 are each amended to  
12 read as follows:

13 (1) A notary public commits official misconduct when he or she  
14 signs a certificate evidencing a notarial act, knowing that the  
15 contents of the certificate are false. Official misconduct also  
16 constitutes unprofessional conduct for which disciplinary action may be  
17 taken.

18 (2) A notary public who commits an act of official misconduct shall  
19 be guilty of a gross misdemeanor.

20 (3) Any person not appointed as a notary public who acts as or  
21 otherwise impersonates a notary public shall be guilty of a gross  
22 misdemeanor.

23 **Sec. 289.** RCW 42.44.170 and 1985 c 156 s 17 are each amended to  
24 read as follows:

25 (1) ~~((The director may revoke the appointment of any notary public~~  
26 ~~for any reason for which appointment may be denied under RCW 42.44.030.~~

27 ~~(2))~~ The director shall revoke the appointment of a notary public  
28 upon a judicial finding of incompetency of the notary public. If a  
29 notary public is found to be incompetent, his or her guardian or  
30 conservator shall within thirty days of such finding mail or deliver to  
31 the director a letter of resignation on behalf of the notary public.

32 ~~((3))~~ (2) A notary public may voluntarily resign by mailing or  
33 delivering to the director a letter of resignation.

34 **Sec. 290.** RCW 42.44.190 and 1985 c 156 s 20 are each amended to  
35 read as follows:

1       (~~On or before January 1, 1986,~~) The director (~~shall~~) may adopt  
2 rules (~~to carry out~~) consistent with this chapter. Such rules shall  
3 include but shall not be limited to rules concerning applications for  
4 appointment, application and renewal fees, fees chargeable for notarial  
5 services, the replacement of lost or stolen seals or stamps, changes of  
6 names or addresses of notaries, resignations of notaries, (~~appeals of~~  
7 ~~denials and revocations of appointments,~~) and issuance of evidences of  
8 authenticity of notarial seals and signatures.

9       NEW SECTION. Sec. 291. A new section is added to chapter 42.44  
10 RCW to read as follows:

11       The uniform regulation of business and professions act, chapter  
12 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
13 practice, the issuance and denial of licenses, and the discipline of  
14 licensees under this chapter.

15       **Sec. 292.** RCW 46.72.100 and 1983 c 164 s 8 are each amended to  
16 read as follows:

17       In addition to the unprofessional conduct specified in section 115  
18 of this act, the director may (~~refuse to issue a permit or~~  
19 certificate, or he may suspend or revoke a permit or certificate) take  
20 disciplinary action if he or she has good reason to believe that one of  
21 the following is true of the operator or the applicant for a permit or  
22 certificate: (1) (~~He has been convicted of an offense of such a~~  
23 ~~nature as to indicate that he is unfit to hold a certificate or permit;~~  
24 ~~(2)~~) He or she is guilty of committing two or more offenses for which  
25 mandatory revocation of driver's license is provided by law; (~~(3)~~)  
26 (2) he or she has been convicted of vehicular homicide or vehicular  
27 assault; (~~(4)~~) (3) he or she is intemperate or addicted to the use of  
28 narcotics.

29       (~~Notice of the director to refuse, suspend, or revoke the permit~~  
30 ~~or certificate shall be given by certified mail to the holder or~~  
31 ~~applicant for the permit or certificate and shall designate a time and~~  
32 ~~place for a hearing before the director, which shall not be less than~~  
33 ~~ten days from the date of the notice. If the director, after the~~  
34 ~~hearing, decides that a permit shall be canceled or revoked, he shall~~  
35 ~~notify the holder or applicant to that effect by certified mail. The~~  
36 ~~applicant or permit holder may within thirty days from the date of the~~  
37 ~~decision appeal to the superior court of Thurston county for a review~~

1 of the decision by filing a copy of the notice with the clerk of the  
2 superior court and a copy of the notice in the office of the director.  
3 The court shall set the matter down for hearing with the least possible  
4 delay.))

5 Any for hire operator who operates a for hire vehicle without first  
6 having filed a bond or insurance policy and having received a for hire  
7 permit and a for hire certificate as required by this chapter is guilty  
8 of a gross misdemeanor, and upon conviction shall be punished by  
9 imprisonment in jail for a period not exceeding ninety days or a fine  
10 of not exceeding five hundred dollars, or both fine and imprisonment.

11 NEW SECTION. **Sec. 293.** A new section is added to chapter 46.72  
12 RCW to read as follows:

13 The uniform regulation of business and professions act, chapter  
14 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
15 practice, the issuance and denial of licenses, and the discipline of  
16 licensees under this chapter.

17 **Sec. 294.** RCW 46.72A.100 and 1996 c 87 s 13 are each amended to  
18 read as follows:

19 The ((department may suspend, revoke, or refuse to issue a license  
20 if it has good reason to believe that)) director may impose any of the  
21 sanctions specified in section 113 of this act for unprofessional  
22 conduct as described in section 115 of this act or if one of the  
23 following is true of a chauffeur hired to drive a limousine including  
24 where such a chauffeur is also the carrier: (1) The person has been  
25 convicted of an offense of such a nature as to indicate that he or she  
26 is unfit to qualify as a chauffeur; (2) the person is guilty of  
27 committing two or more offenses for which mandatory revocation of a  
28 driver's license is provided by law; (3) the person has been convicted  
29 of vehicular homicide or vehicular assault; (4) the person is  
30 intemperate or addicted to narcotics.

31 NEW SECTION. **Sec. 295.** A new section is added to chapter 46.72A  
32 RCW to read as follows:

33 The uniform regulation of business and professions act, chapter  
34 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
35 practice, the issuance and denial of licenses, and the discipline of  
36 licensees under this chapter.

1       **Sec. 296.** RCW 64.36.040 and 1983 1st ex.s. c 22 s 5 are each  
2 amended to read as follows:

3       If no stop order is in effect and no proceeding is pending under  
4 RCW 64.36.100, a complete registration application becomes effective at  
5 3:00 p.m. Pacific Standard Time on the afternoon of the thirtieth  
6 calendar day after the filing of the application or the last amendment  
7 or at such earlier time as the director determines.

8       **Sec. 297.** RCW 64.36.090 and 1987 c 370 s 9 are each amended to  
9 read as follows:

10       The director may (~~by order deny, suspend, or revoke~~) take  
11 disciplinary action against a timeshare salesperson's registration or  
12 application for registration or a salesperson's license under chapter  
13 18.85 RCW who is selling under this chapter, if the director finds that  
14 the (~~order is in the public interest and the~~) applicant or registrant  
15 has committed unprofessional conduct as described in section 115 of  
16 this act. In addition, the director may take disciplinary action if  
17 the applicant or registrant:

18       (1) Has filed an application for registration as a timeshare  
19 salesperson or as a licensee under chapter 18.85 RCW which, as of its  
20 effective date, is incomplete in any material respect (~~or contains any~~  
21 ~~statement which is, in the light of the circumstances under which it~~  
22 ~~was made, false or misleading with respect to any material fact));~~

23       (2) Has violated or failed to comply with any provision of this  
24 chapter or a predecessor act or any rule or order issued under this  
25 chapter or a predecessor act;

26       (3) (~~Has been convicted within the past five years of any~~  
27 ~~misdemeanor or felony involving theft, fraud, or any consumer~~  
28 ~~protection statute, or any felony involving moral turpitude;~~

29       ~~(4))~~ Is permanently or temporarily enjoined by any court or  
30 administrative order from engaging in or continuing any conduct or  
31 practice involving any aspect of the timeshare business;

32       ~~((5))~~ (4) Has engaged in dishonest or unethical practices in the  
33 timeshare, real estate, or camp resort business;

34       ~~((6))~~ (5) Is insolvent either in the sense that the individual's  
35 liabilities exceed his or her assets or in the sense that the  
36 individual cannot meet his or her obligations as they mature; or

1       ~~((7))~~ (6) Has not complied with any condition imposed by the  
2 director or is not qualified on the basis of such factors as training,  
3 experience, or knowledge of the timeshare business or this chapter.

4       ~~((The director may by order summarily postpone or suspend  
5 registration of the salesperson pending final determination of any  
6 proceeding under RCW 64.36.180.))~~

7       **Sec. 298.** RCW 64.36.100 and 1987 c 370 s 10 are each amended to  
8 read as follows:

9       ~~((1))~~ The director may ~~((issue an order denying, suspending, or  
10 revoking))~~ deny or take disciplinary action against any timeshare  
11 application or registration if the director finds that the ~~((order is  
12 in the public interest and that))~~ applicant or registrant has engaged  
13 in unprofessional conduct as described in section 115 of this act. In  
14 addition, the director may deny or take disciplinary action based on  
15 the following conduct, acts, or conditions:

16       ~~((a))~~ (1) The application, written disclosure, or registration is  
17 incomplete ~~((or contains any statement which is false or misleading  
18 with respect to any material fact))~~;

19       ~~((b) Any provision of this chapter, the permit to market, or any  
20 rule or order lawfully issued under this chapter has been violated by  
21 the promoter, its affiliates, or any natural person whose signature is  
22 required under this chapter;~~

23       ~~(c))~~ (2) The activities of the promoter include, or would include,  
24 activities which are unlawful or in violation of a law, rule, or  
25 ordinance in this state or another jurisdiction;

26       ~~((d))~~ (3) The timeshare offering has worked or tended to work a  
27 fraud on purchasers, or would likely be adverse to the interests or the  
28 economic or physical welfare of purchasers;

29       ~~((e))~~ (4) The protections and security arrangements to ~~((assure))~~  
30 ensure future quiet enjoyment required under RCW 64.36.130 have not  
31 been provided as required by the director for the protection of  
32 purchasers~~((+))~~; or

33       ~~((f))~~ (5) The operating budget proposed by the promoter or  
34 promoter-controlled association appears inadequate to meet operating  
35 costs or funding of reserve accounts or fees for a consultant to  
36 determine adequacy have not been paid by the promoter.

37       ~~((2) The director shall promptly notify the applicant or  
38 registrant of any order denying, suspending, or revoking registration~~

1 and of the applicant's or registrant's right to request a hearing  
2 within fifteen days of notification. If the applicant or registrant  
3 does not request a hearing, the order remains in effect until the  
4 director modifies or vacates it.))

5 **Sec. 299.** RCW 64.36.195 and 1987 c 370 s 7 are each amended to  
6 read as follows:

7 The director or persons to whom the director delegates such powers  
8 may enter into assurances of discontinuance in lieu of issuing a  
9 statement of charges or a cease and desist order or conducting a  
10 hearing under this chapter. The assurances shall consist of a  
11 statement of the law in question and an agreement to not violate the  
12 stated provision. The applicant or registrant shall not be required to  
13 admit to any violation of the law, nor shall the assurance be construed  
14 as such an admission. Violation or breaching of an assurance under  
15 this section shall ~~((be grounds for a suspension, revocation of~~  
16 ~~registration, or imposition of a fine))~~ constitute unprofessional  
17 conduct for which disciplinary action may be taken under sections 113  
18 and 115 of this act.

19 **Sec. 300.** RCW 64.36.200 and 1983 1st ex.s. c 22 s 19 are each  
20 amended to read as follows:

21 (1) The director may order any person to cease and desist from an  
22 act or practice if it appears that the person is violating or is about  
23 to violate any provision of this chapter or any rule or order issued  
24 under this chapter.

25 (2) Upon the entry of the temporary order to cease and desist, the  
26 director shall promptly notify the recipient of the order that it has  
27 been entered and the reasons therefor and that if requested in writing  
28 by such person within fifteen days after ~~((receipt))~~ service of the  
29 director's notification, the matter will be scheduled for hearing which  
30 shall be held within a reasonable time and in accordance with chapter  
31 34.05 RCW. The temporary order shall remain in effect until ten days  
32 after the hearing is held.

33 (3) If a person does not request a hearing ~~((within fifteen days~~  
34 ~~after receipt of notice of opportunity for hearing))~~, the order shall  
35 become final.

36 (4) Unlicensed timeshare activity is subject to section 117 of this  
37 act.

1       **Sec. 301.** RCW 64.36.220 and 1983 1st ex.s. c 22 s 21 are each  
2 amended to read as follows:

3       (1) The attorney general, in the name of the state or the director,  
4 may bring an action to enjoin any person from violating any provision  
5 of this chapter. Upon a proper showing, the superior court shall grant  
6 a permanent or temporary injunction, restraining order, or writ of  
7 mandamus. The court may make any additional orders or judgments which  
8 may be necessary to restore to any person any interest in any money or  
9 property, real or personal, which may have been acquired by means of  
10 any act prohibited or declared to be unlawful under this chapter. The  
11 prevailing party may recover costs of the action, including a  
12 reasonable attorney's fee.

13       (2) The superior court issuing an injunction shall retain  
14 jurisdiction. Any person who violates the terms of an injunction shall  
15 pay a civil penalty of not more than twenty-five thousand dollars.

16       (3) The attorney general, in the name of the state or the director,  
17 may apply to the superior court to appoint a receiver or conservator  
18 for any person, or the assets of any person, who is subject to a cease  
19 and desist order, permanent or temporary injunction, restraining order,  
20 or writ of mandamus.

21       (4) ~~((Any person who violates any provision of this chapter is  
22 subject to a civil penalty not to exceed two thousand dollars for each  
23 violation. Civil penalties authorized by this subsection shall be  
24 imposed in a civil action brought by the attorney general and shall be  
25 deposited in the general fund of the state treasury. Any action for  
26 recovery of a civil penalty shall be commenced within five years of the  
27 date of the alleged violation))~~ Proceedings for injunctions for  
28 unlicensed timeshare activity must be conducted under the provisions of  
29 section 117 of this act.

30       **Sec. 302.** RCW 64.36.230 and 1983 1st ex.s. c 22 s 22 are each  
31 amended to read as follows:

32       ~~((1))~~ Any person who violates RCW 64.36.020 is guilty of a gross  
33 misdemeanor punishable under chapter 9A.20 RCW. Any person who  
34 knowingly violates RCW 64.36.020 or 64.36.210 is guilty of a class C  
35 felony punishable under chapter 9A.20 RCW. No indictment or  
36 information for a felony may be returned under this chapter more than  
37 five years after the alleged violation.

1       (~~(2) The director may refer evidence concerning violations of this~~  
2 ~~chapter to the attorney general or the proper prosecuting attorney who~~  
3 ~~may, with or without this reference, institute appropriate criminal~~  
4 ~~proceedings.))~~)

5       **NEW SECTION. Sec. 303.** A new section is added to chapter 64.36  
6 RCW to read as follows:

7       The uniform regulation of business and professions act, chapter  
8 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
9 practice, the issuance and denial of licenses, and the discipline of  
10 licensees under this chapter.

11       **Sec. 304.** RCW 67.08.010 and 1997 c 205 s 2 are each amended to  
12 read as follows:

13       (~~(1))~~) The department shall have power to issue and (~~for cause to~~  
14 ~~revoke, suspend, or deny~~) take disciplinary action as provided in  
15 section 115 of this act against a license to conduct, hold, or promote  
16 boxing, martial arts, or wrestling events or closed circuit telecasts  
17 of these events as provided in this chapter and chapter 18.--- RCW  
18 (sections 101 through 125 of this act) under such terms and conditions  
19 and at such times and places as the department may determine.

20       (~~(2) In case the department revokes, suspends, or denies any~~  
21 ~~license or issues a fine, such applicant, or license shall be entitled,~~  
22 ~~upon application, to a hearing to be held under chapter 34.05 RCW, the~~  
23 ~~administrative procedure act.))~~)

24       **Sec. 305.** RCW 67.08.015 and 2000 c 151 s 2 are each amended to  
25 read as follows:

26       (1) In the interest of ensuring the safety and welfare of the  
27 participants, the department shall have power and it shall be its duty  
28 to direct, supervise, and control all boxing, martial arts, and  
29 wrestling events conducted within this state and an event may not be  
30 held in this state except in accordance with the provisions of this  
31 chapter. The department may, in its discretion, issue and for cause,  
32 which includes concern for the safety and welfare of the participants,  
33 (~~deny, revoke, or suspend~~) take any of the actions specified in  
34 section 113 of this act against a license to promote, conduct, or hold  
35 boxing, kickboxing, martial arts, or wrestling events where an

1 admission fee is charged by any person, club, corporation,  
2 organization, association, or fraternal society.

3 (2) All boxing, kickboxing, martial arts, or wrestling events that:

4 (a) Are conducted by any common school, college, or university,  
5 whether public or private, or by the official student association  
6 thereof, whether on or off the school, college, or university grounds,  
7 where all the participating contestants are bona fide students enrolled  
8 in any common school, college, or university, within or without this  
9 state; or

10 (b) Are entirely amateur events promoted on a nonprofit basis or  
11 for charitable purposes;  
12 are not subject to the licensing provisions of this chapter. A boxing,  
13 martial arts, kickboxing, or wrestling event may not be conducted  
14 within the state except under a license issued in accordance with this  
15 chapter and the rules of the department except as provided in this  
16 section.

17 (3) The director shall prohibit events unless all of the  
18 contestants are either licensed under this chapter or trained by an  
19 amateur or professional sanctioning body recognized by the department.

20 **Sec. 306.** RCW 67.08.017 and 1997 c 205 s 4 are each amended to  
21 read as follows:

22 In addition to the powers described in sections 104 and 105 of this  
23 act, the director or the director's designee has the following  
24 authority in administering this chapter:

25 (1) Adopt, amend, and rescind rules as deemed necessary to carry  
26 out this chapter;

27 ~~(2) ((Issue subpoenas and administer oaths in connection with an~~  
28 ~~investigation, hearing, or proceeding held under this chapter;~~

29 ~~(3) Take or cause depositions to be taken and use other discovery~~  
30 ~~procedures as needed in an investigation, hearing, or proceeding held~~  
31 ~~under this chapter;~~

32 ~~(4) Compel attendance of witnesses at hearings;~~

33 ~~(5))~~ In the course of investigating a complaint or report of  
34 unprofessional conduct, conduct practice reviews;

35 ~~((6) Take emergency action ordering summary suspension of a~~  
36 ~~license, or restriction or limitation of the licensee's practice~~  
37 ~~pending proceedings by the director;~~

1       ~~(7) Use the office of administrative hearings as authorized in~~  
2 ~~chapter 34.12 RCW to conduct hearings. However, the director or the~~  
3 ~~director's designee shall make the final decision in the hearing;~~

4       ~~(8)) (3) Enter into contracts for professional services determined~~  
5 ~~to be necessary for adequate enforcement of this chapter;~~

6       ~~((9)) (4) Adopt standards of professional conduct or practice;~~

7       ~~((10) In the event of a finding of unprofessional conduct by an~~  
8 ~~applicant or license holder, impose sanctions against a license~~  
9 ~~applicant or license holder as provided by this chapter;~~

10       ~~(11)) (5) Enter into an assurance of discontinuance in lieu of~~  
11 ~~issuing a statement of charges or conducting a hearing. The assurance~~  
12 ~~shall consist of a statement of the law in question and an agreement~~  
13 ~~not to violate the stated provision. The applicant or license holder~~  
14 ~~shall not be required to admit to any violation of the law, and the~~  
15 ~~assurance shall not be construed as such an admission. Violation of an~~  
16 ~~assurance under this subsection is grounds for disciplinary action; and~~

17       ~~((12) Designate individuals authorized to sign subpoenas and~~  
18 ~~statements of charges;~~

19       ~~(13) Employ the investigative, administrative, and clerical staff~~  
20 ~~necessary for the enforcement of this chapter;~~

21       ~~(14) Compel the attendance of witnesses at hearings; and~~

22       ~~(15)) (6) Establish and assess fines for violations of this~~  
23 ~~chapter that may be subject to payment from a contestant's purse.~~

24       **Sec. 307.** RCW 67.08.090 and 1999 c 282 s 6 are each amended to  
25 read as follows:

26       (1) Each contestant for boxing, kickboxing, or martial arts events  
27 shall be examined within twenty-four hours before the contest by an  
28 event physician licensed by the department. The event physician shall  
29 report in writing and over his or her signature before the event the  
30 physical condition of each and every contestant to the inspector  
31 present at such contest. No contestant whose physical condition is not  
32 approved by the event physician shall be permitted to participate in  
33 any event. Blank forms for event physicians' reports shall be provided  
34 by the department and all questions upon such blanks shall be answered  
35 in full. The event physician shall be paid a fee and travel expenses  
36 by the promoter.

37       (2) The department may require that an event physician be present  
38 at a wrestling event. The promoter shall pay the event physician

1 present at a wrestling event. A boxing, kickboxing, or martial arts  
2 event may not be held unless an event physician licensed by the  
3 department is present throughout the event.

4 (3) Any physician licensed under RCW 67.08.100 may be selected by  
5 the department as the event physician. The event physician present at  
6 any contest shall have authority to stop any event when in the event  
7 physician's opinion it would be dangerous to a contestant to continue,  
8 and in such event it shall be the event physician's duty to stop the  
9 event.

10 (4) The department may have a participant in a wrestling event  
11 examined by an event physician licensed by the department prior to the  
12 event. A participant in a wrestling event whose condition is not  
13 approved by the event physician shall not be permitted to participate  
14 in the event.

15 (5) Each contestant for boxing, kickboxing, martial arts, or  
16 wrestling events may be subject to a random urinalysis or chemical test  
17 within twenty-four hours before or after a contest. In addition to the  
18 unprofessional conduct specified in section 115 of this act, an  
19 applicant or licensee who refuses or fails to submit to the urinalysis  
20 or chemical test is subject to disciplinary action under ((RCW  
21 67.08.240)) section 113 of this act. If the urinalysis or chemical  
22 test is positive for substances prohibited by rules adopted by the  
23 director, the applicant or licensee has engaged in unprofessional  
24 conduct and disciplinary action ((shall)) may be taken under ((RCW  
25 67.08.240)) section 113 of this act.

26 **Sec. 308.** RCW 67.08.100 and 2001 c 246 s 1 are each amended to  
27 read as follows:

28 (1) The department upon receipt of a properly completed application  
29 and payment of a nonrefundable fee, may grant an annual license to an  
30 applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d)  
31 second; (e) wrestling participant; (f) inspector; (g) judge; (h)  
32 timekeeper; (i) announcer; (j) event physician; (k) referee; (l)  
33 matchmaker; (m) kickboxer; and (n) martial arts participant.

34 (2) The application for the following types of licenses shall  
35 include a physical performed by a physician, as defined in RCW  
36 67.08.002, which was performed by the physician with a time period  
37 preceding the application as specified by rule: (a) Boxer; (b)

1 wrestling participant; (c) kickboxer; (d) martial arts participant; and  
2 (e) referee.

3 (3) An applicant for the following types of licenses for the sports  
4 of boxing, kickboxing, and martial arts shall provide annual proof of  
5 certification as having adequate experience, skill, and training from  
6 an organization approved by the department, including, but not limited  
7 to, the association of boxing commissions, the international boxing  
8 federation, the international boxing organization, the Washington state  
9 association of professional ring officials, the world boxing  
10 association, the world boxing council, or the world boxing organization  
11 for boxing officials, and the united full contact federation for  
12 kickboxing and martial arts officials: (a) Judge; (b) referee; (c)  
13 inspector; (d) timekeeper; or (e) other officials deemed necessary by  
14 the department.

15 ~~(4) ((Any license may be revoked, suspended, or denied by the~~  
16 ~~director for a violation of this chapter or a rule adopted by the~~  
17 ~~director.~~

18 ~~(5))~~ No person shall participate or serve in any of the above  
19 capacities unless licensed as provided in this chapter.

20 ~~((6))~~ (5) The referees, judges, timekeepers, event physicians,  
21 and inspectors for any boxing event shall be designated by the  
22 department from among licensed officials.

23 ~~((7))~~ (6) The referee for any wrestling event shall be provided  
24 by the promoter and shall be licensed as a wrestling participant.

25 ~~((8))~~ (7) The department shall immediately suspend the license or  
26 certificate of a person who has been certified pursuant to RCW  
27 74.20A.320 by the department of social and health services as a person  
28 who is not in compliance with a support order. If the person has  
29 continued to meet all other requirements for reinstatement during the  
30 suspension, reissuance of the license or certificate shall be automatic  
31 upon the department's receipt of a release issued by the department of  
32 social and health services stating that the licensee is in compliance  
33 with the order.

34 ~~((9))~~ (8) A person may not be issued a license if the person has  
35 an unpaid fine outstanding to the department.

36 ~~((10))~~ (9) A person may not be issued a license unless they are  
37 at least eighteen years of age.

38 ~~((11))~~ (10) This section shall not apply to contestants or  
39 participants in events at which only amateurs are engaged in contests

1 and/or fraternal organizations and/or veterans' organizations chartered  
2 by congress or the defense department or any recognized amateur  
3 sanctioning body recognized by the department, holding and promoting  
4 athletic events and where all funds are used primarily for the benefit  
5 of their members. Upon request of the department, a promoter,  
6 contestant, or participant shall provide sufficient information to  
7 reasonably determine whether this chapter applies.

8 **Sec. 309.** RCW 67.08.110 and 1999 c 282 s 8 are each amended to  
9 read as follows:

10 (1) Any person or any member of any group of persons or corporation  
11 promoting boxing events who shall participate directly or indirectly in  
12 the purse or fee of any manager of any boxers or any boxer and any  
13 licensee who shall conduct or participate in any sham or fake boxing  
14 event (~~((shall be subject to license suspension, revocation, or fine and  
15 such revoked, suspended, or fined licensee shall not be entitled to  
16 receive any license issued under this chapter))~~) has engaged in  
17 unprofessional conduct and is subject to the sanctions specified in  
18 section 113 of this act.

19 (2) A manager of any boxer, kickboxer, or martial arts participant  
20 who allows any person or any group of persons or corporation promoting  
21 boxing, kickboxing, or martial arts events to participate directly or  
22 indirectly in the purse or fee, or any boxer, kickboxer, or martial  
23 arts participant or other licensee who conducts or participates in any  
24 sham or fake boxing, kickboxing, or martial arts event has engaged in  
25 unprofessional conduct and is subject to (~~((disciplinary action under  
26 RCW 67.08.240))~~) the sanctions specified in section 113 of this act.

27 **Sec. 310.** RCW 67.08.130 and 1997 c 205 s 13 are each amended to  
28 read as follows:

29 Whenever any licensee shall fail to make a report of any event  
30 within the time prescribed by this chapter or when such report is  
31 unsatisfactory to the department, the director may examine the books  
32 and records of such licensee; he or she may subpoena and examine under  
33 oath any officer of such licensee and such other person or persons as  
34 he or she may deem necessary to a determination of the total gross  
35 receipts from any event and the amount of tax thereon. If, upon the  
36 completion of such examination it shall be determined that an  
37 additional tax is due, notice thereof shall be served upon the

1 licensee, ~~((and if such licensee shall fail))~~ providing the licensee  
2 with an opportunity to request a hearing under chapter 34.05 RCW. The  
3 failure to request a hearing within twenty days of service of the  
4 notice constitutes a default, whereupon the director will enter a  
5 decision on the facts available. Failure to pay such additional tax  
6 within twenty days after service of ~~((such notice such delinquent))~~ a  
7 final order constitutes unprofessional conduct and the licensee  
8 ~~((shall))~~ may be subject to ~~((revocation of))~~ disciplinary action  
9 against its license and shall be disqualified from receiving any new  
10 license. ((In addition, such licensee shall be liable to this state in  
11 the penal sum of one thousand dollars to be collected by the attorney  
12 general by civil action in the name of the state in the manner provided  
13 by law.))

14 **Sec. 311.** RCW 67.08.140 and 1997 c 205 s 14 are each amended to  
15 read as follows:

16 Any person, club, corporation, organization, association, fraternal  
17 society, participant, or promoter conducting or participating in boxing  
18 or wrestling events within this state without having first obtained a  
19 license therefor in the manner provided by this chapter is in violation  
20 of this chapter and shall be guilty of a misdemeanor excepting the  
21 events excluded from the operation of this chapter by RCW 67.08.015.  
22 ~~((The attorney general, each prosecuting attorney, the department, or~~  
23 ~~any citizen of any county where any person, club, corporation,~~  
24 ~~organization, association, fraternal society, promoter, or participant~~  
25 ~~shall threaten to hold, or appears likely to hold or participate in~~  
26 ~~athletic events in violation of this chapter, may in accordance with~~  
27 ~~the laws of this state governing injunctions, enjoin such person, club,~~  
28 ~~corporation, organization, association, fraternal society, promoter, or~~  
29 ~~participant from holding or participating in the event.))~~

30 **Sec. 312.** RCW 67.08.180 and 1997 c 205 s 16 are each amended to  
31 read as follows:

32 In addition to the unprofessional conduct specified in section 115  
33 of this act, the following conduct, acts, or conditions constitute  
34 unprofessional conduct for which disciplinary action may be taken:

35 (1) ~~((It is a violation of this chapter for any promoter or person~~  
36 ~~associated with or employed by any promoter to destroy))~~ Destruction of  
37 any ticket or ticket stub, whether sold or unsold, within three months

1 after the date of any event, by any promoter or person associated with  
2 or employed by any promoter.

3 ~~(2) ((It is a violation of this chapter for a wrestling participant~~  
4 ~~to deliberately cut himself or herself or otherwise mutilate himself or~~  
5 ~~herself))~~ The deliberate cutting of himself or herself or other self  
6 mutilation by a wrestling participant while participating in a  
7 wrestling event.

8 ~~(3) ((The department shall revoke the license of a licensee~~  
9 ~~convicted))~~ A conviction under chapter 69.50 RCW.

10 ~~(4) ((The director shall revoke the license of a licensee))~~ Testing  
11 positive for illegal use of a controlled substance as defined in RCW  
12 69.50.101~~((, and shall deny the application of an applicant testing~~  
13 ~~positive for a controlled substance as defined in RCW 69.50.101))~~.

14 (5) The striking of any person that is not a licensed participant  
15 at a wrestling event ~~((constitutes grounds for suspension, fine,~~  
16 ~~revocation, or any combination thereof))~~.

17 **Sec. 313.** RCW 67.08.300 and 1997 c 205 s 24 are each amended to  
18 read as follows:

19 The director or individuals acting on the director's behalf are  
20 immune from suit in an action, civil or criminal, based on  
21 ~~((disciplinary proceedings or other))~~ official acts performed in the  
22 course of their duties in the administration and enforcement of this  
23 chapter.

24 NEW SECTION. **Sec. 314.** A new section is added to chapter 67.08  
25 RCW to read as follows:

26 The uniform regulation of business and professions act, chapter  
27 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
28 practice, the issuance and denial of licenses, and the discipline of  
29 licensees under this chapter.

30 **Sec. 315.** RCW 68.05.105 and 1987 c 331 s 10 are each amended to  
31 read as follows:

32 In addition to the authority in section 104 of this act, the board  
33 has the following authority:

34 (1) To adopt, amend, and rescind such rules as are deemed necessary  
35 to carry out this title;

1       ~~(2) ((To investigate all complaints or reports of unprofessional~~  
2 ~~conduct as defined in this chapter and to hold hearings;~~

3       ~~(3) To issue subpoenas and administer oaths in connection with any~~  
4 ~~investigation, hearing, or proceeding held under this title;~~

5       ~~(4) To take or cause depositions to be taken and use other~~  
6 ~~discovery procedures as needed in any investigation, hearing, or~~  
7 ~~proceeding held under this title;~~

8       ~~(5) To compel attendance of witnesses at hearings;~~

9       ~~(6))~~ In the course of investigating a complaint, to conduct  
10 practice reviews; and

11       ~~((7) To take emergency action pending proceedings by the board;~~

12       ~~(8) To use the office of administrative hearings as authorized in~~  
13 ~~chapter 34.12 RCW to conduct hearings. However, the board shall make~~  
14 ~~the final decision;~~

15       ~~(9) To use consultants or individual members of the board to assist~~  
16 ~~in the direction of investigations and issuance of statements of~~  
17 ~~charges. However, those board members shall not subsequently~~  
18 ~~participate in the hearing of the case;~~

19       ~~(10) To enter into contracts for professional services determined~~  
20 ~~to be necessary for adequate enforcement of this title;~~

21       ~~(11) To contract with persons or organizations to provide services~~  
22 ~~necessary for the monitoring and supervision of licensees, or~~  
23 ~~authorities who are for any authorized purpose subject to monitoring by~~  
24 ~~the board;~~

25       ~~(12))~~ (3) To adopt standards of professional conduct or  
26 practice(~~(;~~

27       ~~(13) To grant or deny authorities or license applications, and in~~  
28 ~~the event of a finding of unprofessional conduct by an applicant,~~  
29 ~~authority, or license holder, to impose any sanction against a license~~  
30 ~~applicant, authority, or license holder provided by this title;~~

31       ~~(14) To enter into an assurance of discontinuance in lieu of~~  
32 ~~issuing a statement of charges or conducting a hearing. The assurance~~  
33 ~~shall consist of a statement of the law in question and an agreement to~~  
34 ~~not violate the stated provision. The applicant, holder of an~~  
35 ~~authority to operate, or license holder shall not be required to admit~~  
36 ~~to any violation of the law, nor shall the assurance be construed as~~  
37 ~~such an admission. Violation of an assurance under this subsection is~~  
38 ~~grounds for disciplinary action;~~

39       ~~(15) To revoke the license or authority;~~

1       ~~(16) To suspend the license or authority for a fixed or indefinite~~  
2 ~~term;~~

3       ~~(17) To restrict or limit the license or authority;~~

4       ~~(18) To censure or reprimand;~~

5       ~~(19) To cause compliance with conditions of probation for a~~  
6 ~~designated period of time;~~

7       ~~(20) To fine for each violation of this title, not to exceed one~~  
8 ~~thousand dollars per violation. Funds received shall be placed in the~~  
9 ~~cemetery account;~~

10       ~~(21) To order corrective action.~~

11       ~~Any of the actions under this section may be totally or partly~~  
12 ~~stayed by the board. In determining what action is appropriate, the~~  
13 ~~board must first consider what sanctions are necessary to protect or~~  
14 ~~compensate the public. All costs associated with compliance with~~  
15 ~~orders issued under this section are the obligation of the license or~~  
16 ~~authority holder or applicant)).~~

17       **Sec. 316.** RCW 68.05.170 and 1987 c 331 s 23 are each amended to  
18 read as follows:

19       (1) Whenever the board finds, after notice and hearing, that any  
20 endowment care funds have been invested in violation of this title, it  
21 ~~((shall))~~ may by written order mailed to the person or body in charge  
22 of the fund require the reinvestment of the funds in conformity with  
23 this title within the period specified by it which shall be not more  
24 than six months. Such period may be extended by the board in its  
25 discretion.

26       (2) The board may bring actions for the preservation and protection  
27 of endowment care funds in the superior court of the county in which  
28 the cemetery is located and the court shall appoint substitute trustees  
29 and make any other order which may be necessary for the preservation,  
30 protection, and recovery of endowment care funds, whenever a cemetery  
31 authority or the trustees of its fund have:

32       (a) Transferred or attempted to transfer any property to, or made  
33 any loan from, the endowment care funds for the benefit of the cemetery  
34 authority or any director, officer, agent or employee of the cemetery  
35 authority or trustee of any endowment care funds; or,

36       (b) Failed to reinvest endowment care funds in accordance with a  
37 board order issued under subsection ~~((one))~~ (1) of this section; or,

38       (c) Invested endowment care funds in violation of this title; or,

1 (d) Taken action or failed to take action to preserve and protect  
2 the endowment care funds, evidencing a lack of concern therefor; or,

3 (e) Become financially irresponsible or transferred control of the  
4 cemetery authority to any person who, or business entity which, is  
5 financially irresponsible; or,

6 (f) Is in danger of becoming insolvent or has gone into bankruptcy  
7 or receivership; or,

8 (g) Taken any action in violation of Title 68 RCW or failed to take  
9 action required by Title 68 RCW or has failed to comply with lawful  
10 rules(~~(, regulations)~~) and orders of the board.

11 (3) Whenever the board or its representative has reason to believe  
12 that endowment care funds or prearrangement trust funds are in danger  
13 of being lost or dissipated during the time required for notice and  
14 hearing, it may immediately impound or seize documents, financial  
15 instruments, or other trust fund assets, or take other actions deemed  
16 necessary under the circumstances for the preservation and protection  
17 of endowment care funds or prearrangement trust funds, including, but  
18 not limited to, immediate substitutions of trustees.

19 **Sec. 317.** RCW 68.05.235 and 1987 c 331 s 19 are each amended to  
20 read as follows:

21 (1) Each authorized cemetery authority shall within ninety days  
22 after the close of its accounting year file with the board upon the  
23 board's request a true and accurate statement of its financial  
24 condition, transactions, and affairs for the preceding year. The  
25 statement shall be on such forms and shall contain such information as  
26 required by this chapter and by the board.

27 (2) The failure to file a statement as required under subsection  
28 (1) of this section constitutes unprofessional conduct for which the  
29 board (~~(shall suspend or revoke)~~) may take disciplinary action against  
30 the prearrangement sales license of (~~(any)~~) the cemetery authority  
31 (~~(which fails to comply with the request)~~). In addition, the board may  
32 take disciplinary action against any other license held by the cemetery  
33 authority.

34 **Sec. 318.** RCW 68.05.259 and 1987 c 331 s 22 are each amended to  
35 read as follows:

36 If any cemetery authority refuses to pay any examination expenses  
37 within thirty days of completion of the examination or refuses to pay

1 certain examination expenses in advance as required by the department  
2 for cause, the board (~~(shall revoke)~~) may take disciplinary action  
3 against any existing certificate of authority. Examination expenses  
4 incurred in conjunction with a transfer of ownership of a cemetery  
5 shall be paid by the selling entity. All examination expense moneys  
6 collected by the department shall be paid to the (~~(department)~~) program  
7 account.

8 **Sec. 319.** RCW 68.05.300 and 1987 c 331 s 25 are each amended to  
9 read as follows:

10 (~~(The board may revoke, suspend, or terminate a certificate of~~  
11 ~~authority or prearrangement sales license if a)~~) In addition to the  
12 unprofessional conduct described in section 115 of this act, the board  
13 may take disciplinary action if the cemetery authority:

14 (1) Fails to comply with any provision of this chapter or any  
15 proper order or regulation of the board;

16 (2) Is found by the board to be in such condition that further  
17 execution of prearrangement contracts would be hazardous to purchasers  
18 or beneficiaries and the people of this state; or

19 (~~(3) (~~Refuses to be examined, or refuses to submit to examination~~~~  
20 ~~or to produce its accounts, records, and files for examination by the~~  
21 ~~board when required;~~

22 (~~4~~)) Is found by the board after investigation or receipt of  
23 reliable information to be managed by persons who are incompetent or  
24 untrustworthy or so lacking in managerial experience as to make the  
25 proposed or continued operation hazardous to purchasers, beneficiaries,  
26 or the public(~~(; or~~

27 (~~5) Is found by the board to use false, misleading, or deceptive~~  
28 ~~advertisements or sales methods)).~~

29 **Sec. 320.** RCW 68.05.310 and 1989 c 175 s 124 are each amended to  
30 read as follows:

31 (~~(The board or its authorized representative shall give a cemetery~~  
32 ~~authority notice of its intention to suspend, revoke, or refuse to~~  
33 ~~renew a certificate of authority or a prearrangement sales license, and~~  
34 ~~shall grant the cemetery authority a hearing, in the manner required~~  
35 ~~for adjudicative proceedings under chapter 34.05 RCW, the~~  
36 ~~Administrative Procedure Act, before the order of suspension,~~  
37 ~~revocation, or refusal may become effective.))~~

1 No cemetery authority whose prearrangement sales license has been  
2 (~~suspended, revoked, or refused~~) the subject of disciplinary action  
3 shall be authorized to enter into prearrangement contracts unless  
4 specifically authorized by the board and only upon full compliance with  
5 the conditions required by the board. Any prearrangement sale by an  
6 unlicensed cemetery authority shall be voidable by the purchaser who  
7 shall be entitled to a full refund.

8 **Sec. 321.** RCW 68.05.320 and 1979 c 21 s 32 are each amended to  
9 read as follows:

10 (1) The board or its authorized representative may issue and serve  
11 upon a cemetery authority a notice of charges if in the opinion of the  
12 board or its authorized representative the cemetery authority:

13 (a) Is engaging in or has engaged in practices likely to endanger  
14 the future delivery of cemetery merchandise or services, unconstructed  
15 crypts or niches, or undeveloped graves;

16 (b) Is violating or has violated any statute of the state of  
17 Washington or any rule of the board; or

18 (c) Is about to do an act prohibited in (~~(1)~~)(a) or (~~(1)~~)(b) of  
19 this subsection when the opinion is based upon reasonable cause.

20 (2) The notice shall contain a statement of the facts constituting  
21 the alleged violation or practice and shall fix a time and place at  
22 which a hearing will be held to determine whether an order to cease and  
23 desist should issue against the cemetery authority. The hearing shall  
24 be set not earlier than ten nor later than thirty days after service of  
25 the notice unless a later date is set by the board or its authorized  
26 representative at the request of the cemetery authority.

27 Unless the cemetery authority appears at the hearing by a duly  
28 authorized representative it shall be deemed to have consented to the  
29 issuance of a cease and desist order. In the event of this consent or  
30 if upon the record made at the hearing the board finds that any  
31 violation or practice specified in the notice of charges has been  
32 established, the board may issue and serve upon the cemetery authority  
33 an order to cease and desist from the violation or practice. The order  
34 may require the cemetery authority and its directors, officers,  
35 employees, and agents to cease and desist from the violation or  
36 practice and may require the cemetery authority to take affirmative  
37 action to correct the conditions resulting from the violation or  
38 practice.

1 (3) A cease and desist order shall become effective at the  
2 expiration of ten days after service of the order upon the cemetery  
3 authority except that a cease and desist order issued upon consent  
4 shall become effective as provided in the order unless it is stayed,  
5 modified, terminated, or set aside by action of the board or a  
6 reviewing court.

7 (4) The powers of the board under this section are in addition to  
8 the power of the board to (~~refuse to renew or to revoke or suspend~~)  
9 take disciplinary action against a cemetery authority's prearrangement  
10 sales license.

11 **Sec. 322.** RCW 68.05.330 and 1987 c 331 s 27 are each amended to  
12 read as follows:

13 Unless specified otherwise in this title, any person who violates  
14 or aids or abets any person in the violation of any of the provisions  
15 of this title shall be guilty of a class C felony punishable under  
16 chapter 9A.20 RCW. A violation shall constitute an unfair practice  
17 under chapter 19.86 RCW and shall be grounds for (~~revocation of~~)  
18 disciplinary action against the certificate of authority under this  
19 chapter and chapter 18.--- RCW (sections 101 through 125 of this act)  
20 or (~~revocation of~~) disciplinary action against the prearrangement  
21 sales license under this chapter and chapter 18.--- RCW (sections 101  
22 through 125 of this act). Retail installment transactions under this  
23 chapter shall be governed by chapter 63.14 RCW. The provisions of this  
24 chapter shall be cumulative and nonexclusive and shall not affect any  
25 other remedy available at law.

26 **Sec. 323.** RCW 68.05.340 and 1987 c 331 s 28 are each amended to  
27 read as follows:

28 Whenever the board or its authorized representative determines that  
29 a cemetery authority is in violation of this title, other than engaging  
30 in unlicensed activity, or that the continuation of acts or practices  
31 of the cemetery authority is likely to cause insolvency or substantial  
32 dissipation of assets or earnings of the cemetery authority's endowment  
33 care or prearrangement trust fund or to otherwise seriously prejudice  
34 the interests of the purchasers or beneficiaries of prearrangement  
35 contracts, the board, or its authorized representative, may issue a  
36 temporary order requiring the cemetery authority to cease and desist  
37 from the violation or practice. The order shall become effective upon

1 service on the cemetery authority and shall remain effective unless set  
2 aside, limited, or suspended by a court in proceedings under RCW  
3 68.05.350 or until the board dismisses the charges specified in the  
4 notice under RCW 68.05.320 or until the effective date of a cease and  
5 desist order issued against the cemetery authority under RCW 68.05.320.  
6 Actions for unlicensed activity must be conducted under section 117 of  
7 this act.

8 **Sec. 324.** RCW 68.05.350 and 1987 c 331 s 29 are each amended to  
9 read as follows:

10 Within ten days after a cemetery authority has been served with a  
11 temporary cease and desist order issued under RCW 68.05.320, the  
12 cemetery authority may apply to the superior court in the county of its  
13 principal place of business for an injunction setting aside, limiting,  
14 or suspending the order pending completion of the administrative  
15 proceedings under RCW 68.05.320.

16 NEW SECTION. **Sec. 325.** A new section is added to chapter 68.05  
17 RCW to read as follows:

18 The uniform regulation of business and professions act, chapter  
19 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
20 practice, the issuance and denial of licenses, and the discipline of  
21 licensees under this chapter.

22 **Sec. 326.** RCW 79A.60.480 and 2000 c 11 s 109 are each amended to  
23 read as follows:

24 (1) The department of licensing (~~shall~~) may issue a whitewater  
25 river outfitter's license to an applicant who submits a completed  
26 application, pays the required fee, and complies with the requirements  
27 of this section.

28 (2) An applicant for a whitewater river outfitter's license shall  
29 make application upon a form provided by the department of licensing.  
30 The form must be submitted annually and include the following  
31 information:

32 (a) The name, residence address, and residence telephone number,  
33 and the business name, address, and telephone number of the applicant;

34 (b) Certification that all employees, subcontractors, or  
35 independent contractors hired as guides meet training standards under  
36 RCW 79A.60.430 before carrying any passengers for hire;

1 (c) Proof that the applicant has liability insurance for a minimum  
2 of three hundred thousand dollars per claim for occurrences by the  
3 applicant and the applicant's employees that result in bodily injury or  
4 property damage. All guides must be covered by the applicant's  
5 insurance policy;

6 (d) Certification that the applicant will maintain the insurance  
7 for a period of not less than one year from the date of issuance of the  
8 license; and

9 (e) Certification by the applicant that for a period of not less  
10 than twenty-four months immediately preceding the application the  
11 applicant:

12 (i) Has not had a license, permit, or certificate to carry  
13 passengers for hire on a river revoked by another state or by an agency  
14 of the government of the United States due to a conviction for a  
15 violation of safety or insurance coverage requirements no more  
16 stringent than the requirements of this chapter; and

17 (ii) Has not been denied the right to apply for a license, permit,  
18 or certificate to carry passengers for hire on a river by another  
19 state.

20 (3) The department of licensing shall charge a fee for each  
21 application, to be set in accordance with RCW 43.24.086.

22 (4) Any person advertising or representing himself or herself as a  
23 whitewater river outfitter who is not currently licensed is guilty of  
24 a gross misdemeanor.

25 (5) The department of licensing shall submit annually a list of  
26 licensed persons and companies to the department of community, trade,  
27 and economic development, tourism promotion division.

28 (6) If an insurance company cancels or refuses to renew insurance  
29 for a licensee, the insurance company shall notify the department of  
30 licensing in writing of the termination of coverage and its effective  
31 date not less than thirty days before the effective date of  
32 termination.

33 (a) Upon receipt of an insurance company termination notice, the  
34 department of licensing shall send written notice to the licensee that  
35 on the effective date of termination the department of licensing will  
36 suspend the license unless proof of insurance as required by this  
37 section is filed with the department of licensing before the effective  
38 date of the termination.

1 (b) If an insurance company fails to give notice of coverage  
2 termination, this failure shall not have the effect of continuing the  
3 coverage.

4 (c) The department of licensing may (~~suspend a license under this~~  
5 ~~section~~) sanction a license under section 113 of this act if the  
6 licensee fails to maintain in full force and effect the insurance  
7 required by this section.

8 (7) The state of Washington shall be immune from any civil action  
9 arising from the issuance of a license under this section.

10 **Sec. 327.** RCW 79A.60.490 and 2000 c 11 s 111 are each amended to  
11 read as follows:

12 Within five days after conviction for any of the provisions of RCW  
13 79A.60.430 through 79A.60.480, the court shall forward a copy of the  
14 judgment to the department of licensing. After receiving proof of  
15 conviction, the department of licensing may (~~suspend~~) sanction the  
16 license of any whitewater river outfitter (~~for a period not to exceed~~  
17 ~~one year or until~~) under section 113 of this act. Proof of compliance  
18 with all licensing requirements and correction of the violation under  
19 which the whitewater river outfitter was convicted may be considered by  
20 the department as mitigating factors when taking disciplinary action.

21 NEW SECTION. **Sec. 328.** A new section is added to chapter 79A.60  
22 RCW to read as follows:

23 The uniform regulation of business and professions act, chapter  
24 18.--- RCW (sections 101 through 125 of this act), governs unlicensed  
25 practice, the issuance and denial of licenses, and the discipline of  
26 licensees under this chapter.

27 **PART 3**

28 NEW SECTION. **Sec. 401.** The following acts or parts of acts are  
29 each repealed:

30 (1) RCW 18.08.450 (Actions against certificate--Discipline--Board's  
31 authority--Procedure) and 1989 c 175 s 59 & 1985 c 37 s 16;

32 (2) RCW 18.39.400 (Disciplinary authority of board--Rules) and 1994  
33 c 17 s 2;

34 (3) RCW 18.39.430 (Statement of charge of violation--Notice--  
35 Hearing) and 1994 c 17 s 5;

1 (4) RCW 18.39.440 (Hearings--Procedures--Administrative Procedure  
2 Act) and 1994 c 17 s 6;  
3 (5) RCW 18.39.460 (Actions against license--Exceptions) and 1994 c  
4 17 s 8;  
5 (6) RCW 18.39.470 (Order--When effective--Stay) and 1994 c 17 s 9;  
6 (7) RCW 18.39.480 (Appeal) and 1994 c 17 s 10;  
7 (8) RCW 18.39.490 (Reinstatement--Hearings--Examination) and 1994  
8 c 17 s 11;  
9 (9) RCW 18.39.500 (Finding of unprofessional conduct--Order--  
10 Sanctions--Stay--Costs) and 1994 c 17 s 12;  
11 (10) RCW 18.39.510 (Informal disposal--Statement of allegations--  
12 Summary of evidence--Stipulation--Sanctions--Disclosure--Enforcement)  
13 and 2000 c 171 s 11 & 1994 c 17 s 13;  
14 (11) RCW 18.39.520 (Enforcement of fine) and 1994 c 17 s 14;  
15 (12) RCW 18.39.540 (Violation of injunction--Penalties) and 1994 c  
16 17 s 16;  
17 (13) RCW 18.39.550 (Crime by license, registration, endorsement, or  
18 permit holder--Notice by board) and 1994 c 17 s 17;  
19 (14) RCW 18.43.140 (Injunctive relief, proof--Board's immunity from  
20 liability--Prosecutions) and 1959 c 297 s 3;  
21 (15) RCW 18.85.251 (Disciplinary action--Procedure--Investigation--  
22 Hearing) and 1988 c 205 s 7, 1987 c 332 s 11, 1981 c 67 s 22, & 1951 c  
23 222 s 23;  
24 (16) RCW 18.85.360 (Witnesses--Depositions--Fees--Subpoenas) and  
25 1997 c 322 s 25 & 1957 c 52 s 49;  
26 (17) RCW 18.96.130 (Charges against registrants--Hearings--  
27 Findings--Penalties) and 1985 c 18 s 4 & 1969 ex.s. c 158 s 13;  
28 (18) RCW 18.140.180 (Hearings--Orders--Judicial review) and 1993 c  
29 30 s 20 & 1989 c 414 s 22;  
30 (19) RCW 18.165.190 (Violations--Statement of charges--Hearings)  
31 and 1995 c 277 s 37 & 1991 c 328 s 19;  
32 (20) RCW 18.165.200 (Application of administrative procedure act to  
33 hearings) and 1991 c 328 s 20;  
34 (21) RCW 18.165.240 (Unlicensed practice--Complaints--Director's  
35 authority--Injunctions--Penalty) and 1995 c 277 s 39 & 1991 c 328 s 24;  
36 (22) RCW 18.165.250 (Violation of injunction--Penalty) and 1991 c  
37 328 s 25;  
38 (23) RCW 18.165.260 (Immunity) and 1991 c 328 s 26;

1 (24) RCW 18.170.190 (Complaints--Investigation--Immunity) and 1995  
2 c 277 s 14 & 1991 c 334 s 19;  
3 (25) RCW 18.170.200 (Violations--Statement of charges--Hearings)  
4 and 1991 c 334 s 20;  
5 (26) RCW 18.170.240 (Enforcement of orders for payment of fines)  
6 and 1991 c 334 s 24;  
7 (27) RCW 18.170.250 (Unlicensed practice--Complaints--Director's  
8 authority--Injunctions--Penalty) and 1995 c 277 s 16 & 1991 c 334 s 25;  
9 (28) RCW 18.170.260 (Violation of injunction--Penalty) and 1991 c  
10 334 s 26;  
11 (29) RCW 18.170.270 (Immunity) and 1991 c 334 s 27;  
12 (30) RCW 18.185.150 (Hearing procedures) and 1993 c 260 s 16;  
13 (31) RCW 18.185.160 (Enforcement of monetary penalty) and 1993 c  
14 260 s 17;  
15 (32) RCW 18.185.180 (Civil penalties) and 1993 c 260 s 19;  
16 (33) RCW 18.185.190 (Official immunity) and 1993 c 260 s 20;  
17 (34) RCW 19.16.360 (Licenses--Denial, suspension, revocation or  
18 refusal to renew--Civil penalty--Hearing) and 1977 ex.s. c 194 s 3,  
19 1973 1st ex.s. c 20 s 4, & 1971 ex.s. c 253 s 27;  
20 (35) RCW 19.16.380 (Administrative procedure act--Application) and  
21 1971 ex.s. c 253 s 29;  
22 (36) RCW 19.16.400 (Investigations or proceedings--Powers of  
23 director or designees--Contempt) and 1973 1st ex.s. c 20 s 5 & 1971  
24 ex.s. c 253 s 31;  
25 (37) RCW 19.105.460 (Investigations--Powers relating to--  
26 Proceedings for contempt) and 1982 c 69 s 17;  
27 (38) RCW 19.138.190 (Investigations--Powers of director, officer)  
28 and 1994 c 237 s 16;  
29 (39) RCW 19.138.210 (Violations--Cease and desist order--Notice--  
30 Hearing) and 1994 c 237 s 17;  
31 (40) RCW 19.138.220 (Enjoining unregistered person--Additional to  
32 criminal liability) and 2001 c 44 s 3 & 1994 c 237 s 18;  
33 (41) RCW 19.138.230 (Violation of injunction--Penalties--  
34 Jurisdiction) and 1994 c 237 s 19;  
35 (42) RCW 19.138.300 (Administrative procedure act governs) and 1994  
36 c 237 s 25;  
37 (43) RCW 19.158.060 (Failure to register--Penalty) and 1989 c 20 s  
38 6;

1 (44) RCW 64.36.180 (Entry of order--Summary order--Notice--Hearing)  
2 and 1983 1st ex.s. c 22 s 17;

3 (45) RCW 64.36.190 (Director's powers--Application to superior  
4 court to compel compliance) and 1983 1st ex.s. c 22 s 18;

5 (46) RCW 64.36.280 (Administration of chapter--Delegation of  
6 powers) and 1983 1st ex.s. c 22 s 27;

7 (47) RCW 64.36.300 (Application of chapter 34.05 RCW) and 1983 1st  
8 ex.s. c 22 s 30;

9 (48) RCW 67.08.120 (Violation of rules--Penalties) and 1999 c 282  
10 s 9, 1997 c 205 s 12, 1993 c 278 s 22, 1989 c 127 s 12, & 1933 c 184 s  
11 18;

12 (49) RCW 67.08.210 (Unprofessional conduct--Investigation--Notice  
13 of charge--Request for hearing--Time of hearing--Notice) and 1997 c 205  
14 s 18;

15 (50) RCW 67.08.230 (Fine--Order for payment--Enforcement--Proof of  
16 validity) and 1997 c 205 s 20;

17 (51) RCW 67.08.250 (Unlicensed practice or conduct violating  
18 chapter--Investigation--Cease and desist orders--Injunction in name of  
19 state--Criminal liability not precluded--Penalty) and 1997 c 205 s 22;  
20 and

21 (52) RCW 67.08.260 (Violation of injunction--Penalties--  
22 Jurisdiction) and 1997 c 205 s 23.

23 NEW SECTION. **Sec. 402.** Part headings used in this act are not any  
24 part of the law.

25 NEW SECTION. **Sec. 403.** Sections 201 through 401 of this act take  
26 effect January 1, 2003.

27 NEW SECTION. **Sec. 404.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

--- END ---